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**International drug control**

# International cooperation against the world drug problem: progress achieved in meeting the goals and targets set out in the Political Declaration adopted by the General Assembly at its twentieth special session

## Report of the Secretary-General

*Summary*

The present report has been prepared pursuant to General Assembly resolutions 55/65 and 56/124, both entitled "International cooperation against the world drug problem", in which the Assembly welcomed the decision of the Commission on Narcotic Drugs to submit a report to the Assembly in 2003 and 2008 on the progress achieved in meeting the goals and targets set out in the Political Declaration adopted by the Assembly at its twentieth special session (resolution S-20/2, annex).

The present report has also been prepared pursuant to General Assembly resolution 62/176 entitled "International cooperation against the world drug problem", in which the Assembly requested the Secretary-General to submit to it at its sixty-third session a report on the implementation of that resolution. The present report provides an overview of the status of implementation of the mandates relating to international drug control, in particular the outcome of the twentieth special session of the General Assembly.

Further, the present report contains information collected pursuant to Commission on Narcotic Drugs resolution 50/12 entitled "Measures to meet the goal of establishing by 2009 the progress achieved in implementing the declarations and measures adopted by the General Assembly at its twentieth special session". At the fifty-first session of the Commission, the thematic debate was devoted to progress achieved by Governments in meeting the goals and targets for 2003 and 2008 set at

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**the twentieth special session of the General Assembly, based on the fifth biennial and final assessment report presented by the United Nations Office on Drugs and Crime. The present report reflects the outcome of the thematic debate.**

**Also in its resolution 50/12, the Commission decided to convene a high-level segment, open to all Member States, during its fifty-second session, in 2009, in order to conduct a global assessment of the implementation of the declarations and measures adopted by the Assembly at its twentieth special session and agreed that it would initiate preparations for the high-level segment during its fifty-first session, in 2008. The present report provides information on the preparations made at the fifty-first session.**

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# I. Introduction

1. In the Political Declaration adopted by the General Assembly at its twentieth special session (Assembly resolution S-20/2, annex), in 1998, the Assembly called upon all States to report biennially to the Commission on Narcotic Drugs on their efforts to meet the goals and targets set out in the Political Declaration for 2003 and 2008 and requested the Commission to analyse those reports in order to enhance the cooperative effort to combat the world drug problem.

2. At its forty-second session, in 1999, the Commission examined its new mandates emanating from the Political Declaration. In its resolution 42/11, entitled "Guidelines for reporting on the follow-up to the twentieth special session of the General Assembly", the Commission adopted a questionnaire that included the information required on all action plans and measures adopted by the Assembly at that special session; requested the Executive Director of the United Nations International Drug Control Programme to prepare, on the basis of the replies to the questionnaire provided by Member States, a biennial report, to be examined by the Commission at its sessions in 2001, 2003, 2005, 2007 and 2008 covering the difficulties encountered in meeting the objectives and targets agreed upon at that special session; also requested the Executive Director to cover in his report the efforts of Governments to meet the objectives and target dates established by the Assembly at that special session, on the basis of a comprehensive, confidential and balanced treatment of information covering all aspects of the drug problem; and decided to submit a report to the Assembly in 2003 and 2008 on the progress achieved in meeting the goals and targets set out in the Political Declaration.

3. At its forty-fourth session, in 2001, the Commission considered the consolidated first biennial report of the Executive Director on the implementation of the outcome of the twentieth special session of the General Assembly (E/CN.7/2001/16). At its forty-sixth session, in 2003, the Commission had before it the second biennial report of the Executive Director on the implementation of the outcome of the twentieth special session (E/CN.7/2003/2 and Add.1-6). At its fifty-first session, the Commission considered the fifth and final assessment report of the Executive Director on the implementation of the outcome of the twentieth special session (E/CN.7/2008/2 and Add.1-6).

4. In its resolutions 55/65 of 4 December 2000 and 56/124 of 19 December 2001, both entitled "International cooperation against the world drug problem", the Assembly welcomed the decision of the Commission to submit a report to the Assembly in 2003 and 2008 on the progress achieved in meeting the goals and targets set out in the Political Declaration.

5. In its resolution 62/176 of 18 December 2007, also entitled "International cooperation against the world drug problem", the General Assembly, reaffirming the Political Declaration adopted by it at its twentieth special session and the importance of meeting the objectives targeted for 2008 and reaffirming also the joint ministerial statement adopted at the ministerial segment of the forty-sixth session of the Commission on Narcotic Drugs (A/58/124, sect. II.A), the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction (Assembly resolution 54/132, annex) and the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on

Alternative Development (Assembly resolution S-20/4 E), urged all States to strengthen their efforts to achieve the goals set for 2008 at its twentieth special session.

6. Also in its resolution 62/176, the General Assembly called upon States to evaluate progress made since 1998 towards meeting the goals and targets set at the twentieth special session of the Assembly; encouraged the Commission and the International Narcotics Control Board to continue their work on the control of precursors and other chemicals used in the illicit manufacture of narcotic drugs and psychotropic substances; and urged all Governments to provide the fullest possible financial and political support to the United Nations Office on Drugs and Crime (UNODC) so as to enable it to continue, expand and strengthen its operational and technical cooperation activities, within its mandates, and recommended that a sufficient share of the regular budget of the United Nations be allocated to the Office to enable it to carry out its mandates.

# II. International cooperation against the world drug problem

## A. Follow-up by the Commission on Narcotic Drugs

7. At the fifty-first session of the Commission on Narcotic Drugs, during the deliberations on the agenda item entitled "Drug demand reduction", several speakers reiterated that comprehensive measures for drug demand reduction were an essential element of the response to the world drug problem, emphasized the importance of a balanced approach to supply and demand reduction measures, and called for a balanced allocation of funding between supply and demand reduction measures (E/2008/28).

8. Also at that session, speakers stressed the importance of integrating prevention and treatment measures into overall health-care systems and of using an approach based on public health and respect for human rights. Several speakers mentioned that harm reduction had become a well-established part of drug policy in some countries. They highlighted the importance of primary prevention among youth and underlined the need to develop programmes targeting vulnerable groups, including women, children and families at risk.

9. Several speakers reiterated the essential role played by good-quality data in supporting the formulation of evidence-based responses in demand reduction. Concern was expressed about the quality and quantity of data made available by Member States for global analysis of the drug use situation and trends and about the need to improve the reliability of data on drug abuse. It was also suggested that a regional reporting mechanism should be designed as a basis for a global monitoring system beyond 2008 and that an Internet-based data collection instrument should be designed to facilitate responses by Member States.

10. Measures to strengthen comprehensive prevention and care responses to HIV/AIDS associated with drug abuse were called for and the efforts of UNODC in playing a leading role in that area were welcomed.

11. In relation to drug demand reduction, at its fifty-first session the Commission on Narcotic Drugs adopted resolution 51/2, entitled "The consequences of cannabis

use: refocusing prevention, education and treatment efforts for young people", and resolution 51/3, entitled "Early detection of drug use cases by health- and social-care providers by applying the principles of interview screening and brief intervention approaches to interrupt drug use progression and, when appropriate, linking people to treatment for substance abuse".

12. The establishment of effective criminal justice systems, including strengthening the rule of law and building the capacity of law enforcement authorities, was identified as a crucial factor in the fight against drug trafficking. Speakers emphasized the importance of international cooperation and exchange of information and reiterated their commitment to important joint initiatives such as Project Cohesion, coordinated by the International Narcotics Control Board. The effectiveness of controlled delivery operations in identifying those involved in trafficking syndicates was noted.

13. Speakers stressed the importance of cooperation and the early exchange of information on new trafficking routes and on the movement of aircraft and vessels and called for continued vigilance and proactive measures to respond to the smuggling of drugs by human couriers, via postal services or in sea containers. Speakers expressed concern at the increased use of countries on the coast in Western Africa as transit points in smuggling cocaine consignments from Latin America to Europe.

14. In the area of countering drug trafficking, the Commission adopted resolutions 51/5, entitled "Strengthening cross-border cooperation in the area of drug control", and 51/7, entitled "Assistance to States affected by the transit of illicit drugs", both of which deal with measures to enhance effective cross-border cooperation.

15. A number of speakers raised the issue of increased processing and trafficking in amphetamine-type stimulants and psychoactive pharmaceuticals subject to abuse. It was stated that the methods employed by traffickers continued to be dynamic, changing in response to law enforcement efforts and successes, and that a new trend was developing involving the appearance of Afghan heroin in seizures in China, Malaysia and, when the heroin was routed through South-East Asia, in Europe.

16. Speakers expressed concern at the linkages between drug trafficking, organized crime and terrorism and noted the need for concerted action to deny criminals the profits of those activities, including through effective legislation and procedures.

17. Several speakers stressed the fact that counter-narcotics strategies should be part of a broader, national strategy of development, addressing factors such as poverty alleviation, unemployment, education and other economic and social factors, in order to prevent a return to the cultivation of drug crops (E/2008/28, para. 79). In that connection, the Commission recommended to the Economic and Social Council the adoption of a draft resolution entitled "Promoting sustainability and integrality in alternative development as an important part of drug control strategy in States where illicit crops are grown to produce drugs".

18. The Commission also recommended to the Economic and Social Council the adoption of a draft resolution entitled "Provision of international assistance to the most affected States neighbouring Afghanistan". In that draft resolution, the Council

urges the Government of Afghanistan and other Member States to support, enhance and initiate further measures to address the issue and UNODC is called upon to provide technical assistance.

## B. Follow-up to the twentieth special session of the General Assembly

### 1. Action by the Commission on Narcotic Drugs

19. In the Political Declaration adopted by the General Assembly at its twentieth special session, Member States called upon all States to report biennially to the Commission on their efforts to meet the goals and targets set for 2003 and 2008, and requested the Commission to analyse those reports in order to enhance the cooperative effort to combat the world drug problem. In its resolution 42/11, the Commission requested that those reports be submitted for its examination at its sessions in 2001, 2003, 2005, 2007 and 2008.

20. At its fifty-first session, the Commission took note of the fifth biennial report of the Executive Director on the world drug problem (E/CN.7/2008/2 and Add.1-6) and the final assessment report submitted pursuant to its resolution 42/11. The final assessment report drew on the responses submitted by Member States to the biennial reports questionnaires covering all reporting periods and information provided by States in the annual reports questionnaires and the illicit crop monitoring surveys of UNODC.

21. During the thematic debate held at the fifty-first session of the Commission, participants gave a general overview and focused on progress achieved by Governments in meeting the goals and targets for 2003 and 2008 set out in the Political Declaration. The following subthemes were discussed: (a) shared responsibility as a basis for an integrated, balanced and sustainable approach to the fight against drugs through national and international policies; (b) drug demand reduction; and (c) countering illicit drug supply. Based on the final assessment report presented by UNODC, the Commission noted that Member States had continued to make significant progress towards meeting the goals for 2008 set at the special session of the General Assembly. However, concern was expressed that some aspects of drug control had received greater attention than others. Several speakers emphasized the importance of a balanced approach to supply and demand reduction, noting that successful supply reduction efforts in drug-producing regions had been partially offset by the continued demand for drugs in all parts of the world.

22. Many speakers welcomed the increased level of cooperation among States since the twentieth special session of the General Assembly and recommended that that cooperation should be extended and strengthened beyond 2009. Several Member States stressed the importance of incorporating the law enforcement, legislative, health and social sectors, as well as civil society and non-governmental organizations, into national strategies.

23. Several speakers emphasized the importance of the measures and declarations emanating from the twentieth special session of the General Assembly, in particular the Declaration on the Guiding Principles of Drug Demand Reduction (Assembly resolution S-20/3, annex). It was noted that prior to 1998 demand reduction had been regarded as a controversial issue, whereas since then demand reduction had

occupied an important place on the international drug control agenda. The lack of financial, technological and human resources was viewed as a major obstacle to scaling up demand reduction programmes and interventions.

24. Several speakers indicated the need for a continuum of practices describing a comprehensive approach to drug demand reduction that aimed at the prevention of drug abuse, at facilitating access to treatment and at taking effective measures to reduce the health and social consequences of drug abuse. Measures to reduce the harm caused by drugs, as well as the provision of universal access to HIV/AIDS prevention and care services, were essential to comprehensive drug demand reduction policies and effective ways to limit the further spread of the HIV/AIDS epidemic.

25. Several participants called for a more explicit commitment to human rights in the context of drug control efforts, stating that drug abusers should not be stigmatized and were entitled to respect of their human rights in compliance with the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)). The need to monitor and assess the status of human rights was mentioned as a way of preventing possible violations related to drug offences (E/2008/28, para. 25). In that connection, the Commission adopted resolution 51/12, entitled "Strengthening cooperation between the United Nations Office on Drugs and Crime and other United Nations entities for the promotion of human rights in the implementation of the international drug control treaties", in which it requested UNODC to continue, within its existing mandate, to work closely with the competent United Nations entities.

26. Under the subtheme entitled "Countering illicit drug supply", speakers highlighted the efforts of their Governments to comply with international standards to counter money-laundering through the adoption of comprehensive legislation criminalizing money-laundering and by establishing comprehensive prevention measures for financial institutions and other entities vulnerable to money-laundering. Several speakers acknowledged the increase in trafficking in precursors by transnational organized crime networks and called for the strengthening of law enforcement efforts. Speakers emphasized the importance of international and regional cooperation and of strengthening border controls and cooperation among various States in that area.

27. One speaker emphasized that the measures to promote judicial cooperation contained in the resolutions adopted by the General Assembly at its twentieth special session, such as the extradition of drug offenders, controlled deliveries, cooperation to combat trafficking by sea, sharing of intelligence and cooperation among law enforcement authorities, remained valid and should further guide the efforts of Governments in that area.

28. Several speakers noted the need for further action to contain the problem of amphetamine-type stimulants, as shifts detected in the market had suggested some diversification in the illicit manufacture of and trade in such stimulants. A number of speakers noted that, despite several successful national and regional initiatives and law enforcement efforts to combat the illicit manufacture and abuse of amphetamine-type stimulants, focus should be placed on law enforcement cooperation with a view to identifying at an early stage emerging trends in the illicit manufacture of and trafficking in such stimulants.

29. There was consensus that alternative development programmes had been useful in addressing illicit drug crop cultivation from the development perspective, but that their reach and the resources allocated to them had been insufficient. Some speakers noted the importance of having secure and stable markets for alternative development products in developed countries.

30. In its resolution 51/4, entitled "Preparations for the high-level segment of the fifty-second session of the Commission on Narcotic Drugs, relating to the follow-up to the twentieth special session of the General Assembly", the Commission decided to devote two days to the high-level segment of its fifty-second session, in addition to the five days usually scheduled for its sessions in the first half of the year. Further, the Commission resolved that, notwithstanding the obligations emanating from the international drug control treaties and without prejudice to the outcome of the review process, a political declaration and, as appropriate, other declarations and measures to enhance international cooperation should be considered and adopted at the high-level segment, identifying, on the basis of the results of the review process, future priorities and areas requiring further action, as well as goals and targets to be set in countering the world drug problem beyond 2009, and that the outcome of the high-level segment should be submitted to the Assembly.

31. During the deliberations held at the fifty-first session of the Commission concerning preparations for the high-level segment of the fifty-second session of the Commission, it was agreed that the high-level segment would consist of a general debate reviewing the progress achieved and difficulties encountered by Member States in meeting the goals and targets set out in the Political Declaration adopted by the General Assembly at its twentieth special session, including challenges for the future. Round-table discussions on the following topics would be held in parallel with the general debate:

(a) Current and emerging challenges, new trends and patterns of the world drug problem and possible improvements to the evaluation system;

(b) Strengthening international cooperation in countering the world drug problem using shared responsibility as a basis for an integrated, comprehensive, balanced and sustainable approach in the fight against drugs through national and international policies;

(c) Demand reduction, treatment and preventive policies and practices;

(d) Countering illicit drug traffic and supply and alternative development.

32. Furthermore, in its resolution 51/4 and pursuant to its resolutions 49/1 and 49/2, the Commission decided to establish five open-ended intergovernmental working groups to work on the following topics, which correspond to the subjects of the action plans, declarations and measures adopted by the General Assembly at its twentieth session: (a) drug demand reduction; (b) supply reduction (manufacture and trafficking); (c) countering money-laundering and promoting judicial cooperation; (d) international cooperation on the eradication of illicit drug crops and on alternative development; and (e) control of precursors and amphetamine-type stimulants.

## 2. Action by Governments

33. The fifth biennial report of the Executive Director (E/CN.7/2008/2 and Add.1-6) contains an overview and detailed analysis of the efforts made by Governments to implement the following action plans and measures emanating from the twentieth special session of the General Assembly: (a) the Action Plan for the Implementation of the Declaration on the Guiding Principles of Drug Demand Reduction; (b) the Action Plan on International Cooperation on the Eradication of Illicit Drug Crops and on Alternative Development; (c) measures to promote judicial cooperation (Assembly resolution S-20/4 C); (d) the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors (Assembly resolution S-20/4 A); (e) measures to control precursors (Assembly resolution S-20/4 B); and (f) measures for countering money-laundering (Assembly resolution S-20/4 D).

34. A total of 108 States and the European Commission responded; 79 per cent of the responses to the questionnaire for the fifth (and final) reporting period were submitted after the deadline of 30 June 2007. In its resolution 50/12, the Commission requested the Executive Director of UNODC to submit to it at its fifty-first session a report prepared pursuant to its resolution 42/11, containing information gathered through all previous biennial reports questionnaires and from the supplementary information obtained pursuant to its resolutions 49/1 and 50/12. An overview of progress made by Member States in implementing the goals and targets set at the twentieth special session of the General Assembly, based on the responses provided by Governments to the questionnaire for each of the five reporting periods, from 1998 to 2007, is given below (E/CN.7/2008/2).

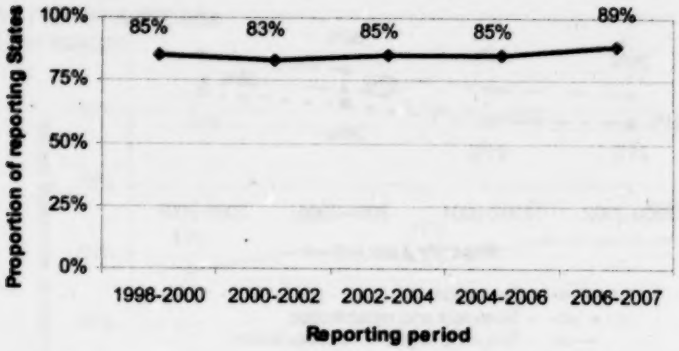
### National drug control strategies

35. The 108 States that responded to the 2006-2007 biennial reports questionnaire achieved an implementation level of 89 per cent.[1]

36. Figure I shows that, notwithstanding intraregional fluctuations over the five reporting periods, the commitment to establishing a national drug control infrastructure remained high.

[1] An implementation level of 100 per cent would mean that all reporting States have indicated having a drug control infrastructure (drug strategy, national coordinating entity and multisectoral action plan); an implementation level of 0 per cent would mean that all reporting States have reported having none of the elements that constitute a drug control infrastructure.

Figure I
**All regions: establishment of a national drug control infrastructure, by reporting period**
(Percentage)



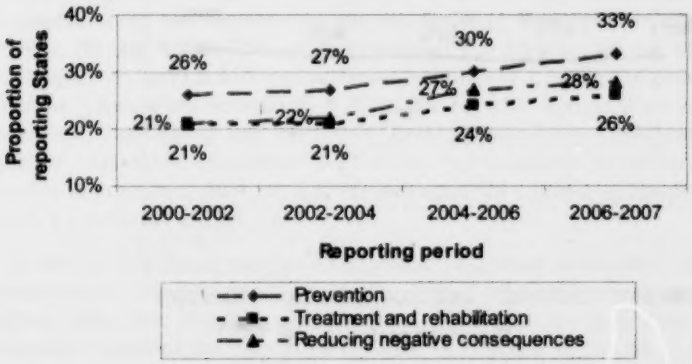

37. The number of countries taking action and the level of achievement in the area of national drug control infrastructure in all regions over the five reporting periods demonstrate a high degree of sustained political commitment by Member States to tackling the world drug problem and must be regarded as a significant accomplishment.

**Demand reduction**

38. Member States established 2003 as a target date for developing new and enhanced demand reduction strategies and programmes and committed themselves to achieving significant and measurable results by 2008.

39. As figure II shows, globally, progress was made in complying with the measures envisaged in the area of demand reduction. Programmes and coverage in the key areas of demand reduction (prevention; treatment and rehabilitation; and reducing the negative health and social consequences) have increased, although the increase has been relatively modest.

Figure II
**All regions: implementation of demand reduction measures, by area of intervention, selected reporting periods**
(Percentage)




40. Available information on the drug abuse situation suggests that, at the global level, the consumption of derivatives of coca and opium is stabilizing or even declining. The consumption of amphetamine-type stimulants is still increasing, but at a slower rate and it is pointing towards stabilization. Cannabis consumption has continued to increase in most countries, even though some signs of stabilization and even of a decrease were reported by some high-prevalence countries.

41. While the demand for treatment increased globally, treatment and rehabilitation programmes also increased, although in some regions the level of provision of services was very low and key elements of the continuum of services (such as substitution treatment) were not commonly available.

42. Interventions to reduce the negative health and social consequences of drug abuse have registered a strong increase at the global level. That trend appears to be associated with efforts to prevent the spread of HIV and other infections among injecting drug abusers.

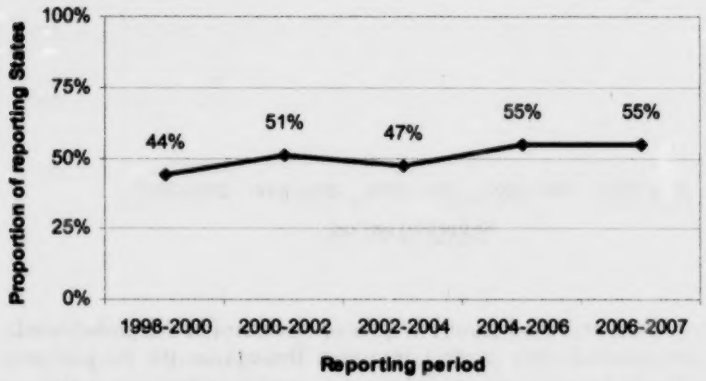
**Amphetamine-type stimulants and their precursors**

43. In the Political Declaration adopted by the General Assembly at its twentieth special session, Member States established 2008 as a target date for States to eliminate or significantly reduce the illicit manufacture and marketing of and trafficking in psychotropic substances, including synthetic drugs, and the diversion of precursors. Furthermore, in section VII of the biennial reports questionnaire, States were asked to provide information on their implementation of the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors.

44. A total of 107 States replied to section VII of the biennial reports questionnaire for the fifth reporting period. Overall implementation of the Action Plan stood at 55 per cent for the fifth reporting period, which suggests clear but insufficient

progress by Member States in the area during the 10-year period from 1998 to 2007 (see figure III).

Figure III
**All regions: implementation of the Action Plan against Illicit Manufacture, Trafficking and Abuse of Amphetamine-type Stimulants and Their Precursors, by reporting period**
(Percentage)



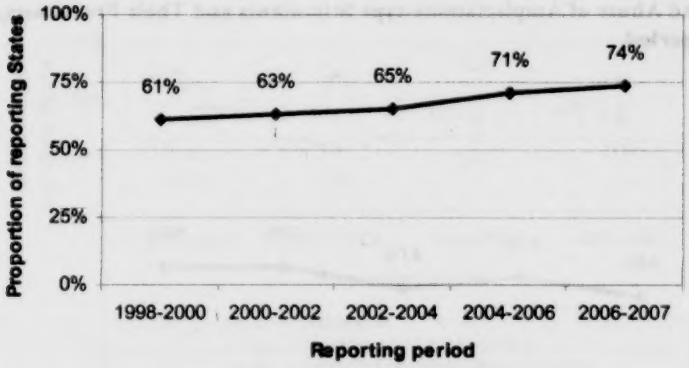

45. The key area in which the most progress was made was in the capacity to collect and analyse information, followed by policy and strategic responses, measures to improve awareness and reduce demand and measures to improve technical capacity to detect and monitor the problem of amphetamine-type stimulants.

46. At the subregional level, implementation of the Action Plan over the 10-year period was highest in Oceania, North America, East and South-East Asia and Central and Western Europe. Even though progress was made across the board in the implementation of the Action Plan, albeit to varying degrees in different regions, significant efforts were still required in order to understand the problem of amphetamine-type stimulants better and to tackle it effectively.

47. At the twentieth special session of the General Assembly, Member States agreed to promote concerted global action by adopting measures to further strengthen the control of precursor chemicals and they set 2008 as the target date for a significant reduction in the diversion of such chemicals.

48. In the 10 years since the twentieth special session of the General Assembly, the global compliance rate with general precursor control measures increased from 61 per cent in the reporting period 1998-2000 to 74 per cent in the reporting period 2006-2007 (see figure IV).

Figure IV
**All regions: compliance with measures on precursor control, by reporting period**
(Percentage)



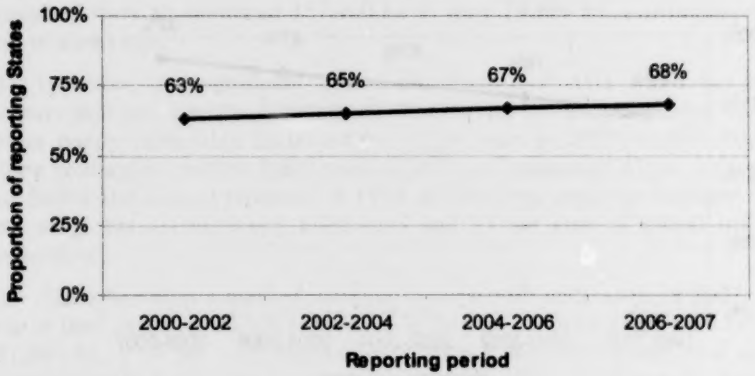

49. In addition to an improved picture of precursor control at the global level, all regions also strengthened their control measures throughout the 10-year period under review. North America reported the most consistent implementation rates regarding precursor control, with a 100 per cent level of confirmation of controls for three of the five reporting periods. Latin America and the Caribbean reported considerably improved precursor control measures, rising from 57 per cent to 70 per cent between the reporting periods 1998-2000 and 2006-2007. In North Africa and the Middle East, the compliance rate with regard to precursor control measures ranged between 60 per cent and 70 per cent throughout the 10-year period, with the most improvement being made towards the end of the period.

50. Although the overall trend in the implementation of precursor control measures was positive, attention should be given to related emerging issues, such as the increasing use of advanced technology for trafficking in controlled substances, the use of third-country parties in diversion operations and substitute chemicals not currently subject to international control.

**Judicial cooperation**

51. Member States have been encouraged to review and strengthen, by 2003, the implementation of the measures to promote judicial cooperation adopted at the special session. They were also called upon to remove impediments to extradition for serious drug offences. Most States have adopted laws and entered into bilateral and multilateral treaties providing for the extradition of accused drug offenders and many have revised their legislation since the twentieth special session of the General Assembly. Globally, the rate of implementation of the Assembly objectives on extradition increased over the 10-year period (see figure V), although the increase was not constant in all regions.

Figure V
**All regions: measures taken in the area of extradition, selected reporting periods**
(Percentage)




52. Most States have adopted legislation and entered into bilateral and multilateral treaties on mutual legal assistance in drug trafficking cases and many have revised their procedures since 1998. Globally, the implementation of measures to achieve the General Assembly objectives in the area of mutual legal assistance has steadily increased but has varied among subregions. Africa and Asia were the regions where rates were the lowest throughout the reporting periods.

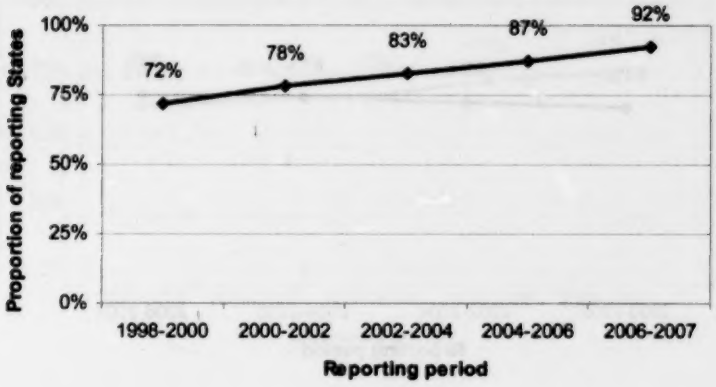
53. At the twentieth special session States were encouraged to consider enacting legislation on transferring or receiving proceedings in criminal matters. The implementation of measures increased globally over the 10-year period but remained low and it varied among subregions and reporting periods.

54. Member States have been encouraged to consider developing or expanding programmes for the exchange of law enforcement personnel and to enhance cooperation among law enforcement agencies. In that regard, law enforcement cooperation appears to have made progress in all regions and the implementation of measures in the area of law enforcement cooperation increased slightly between 1998 and 2007. However, cooperation at the international level outside regional frameworks seemed to be lacking.

**Money-laundering**

55. Regarding the adoption of national money-laundering legislation by all Member States, the global trend showed a steady increase between the reporting periods 1998-2000 and 2006-2007 (see figure VI). For the fifth reporting period, 92 per cent of responding Member States reported having legislation that criminalized the laundering of proceeds derived from drug trafficking and other serious crimes.

Figure VI
**All regions: criminalization of the laundering of the proceeds of drug trafficking and other serious crimes, by reporting period**
(Percentage)




56. With regard to the freezing, seizure and confiscation of the proceeds of drug trafficking and other serious crimes, the trend increased steadily from 71 per cent in the reporting period 1998-2000 to 89 per cent in the reporting period 2006-2007.

57. At the global level, a steadily rising trend (reaching 77 per cent) in the number of Member States in which money-laundering was an extraditable offence was observed over the five reporting periods, stabilizing in the fourth and fifth reporting periods. Nevertheless, that percentage was low compared with the requirements of the international standards, as all Member States had been called upon to increase cooperation and mutual legal assistance and to make money-laundering an extraditable offence.

58. The number of reporting Member States that had adopted legislation requiring declaration of cross-border transportation of cash in amounts exceeding specific values rose from 49 per cent in the first reporting period to 83 per cent in the fifth reporting period.

59. Regarding legislation on declaring cross-border transportation of negotiable bearer instruments, the trend remained low at the global level, although a strong increase was observed between the fourth (47 per cent) and fifth reporting periods (62 per cent). The discrepancies between regions were significant, with North America being the only subregion that had reached full compliance, whereas in many other areas compliance remained below 60 per cent.

60. The global trend in the adoption of measures taken by the financial system showed a progressive increase. For the fifth reporting period, 82 per cent of States reported having implemented measures to counter money-laundering in the financial system. Such measures included the reporting of suspicious or unusual transactions, "know-your-client" practices and the identification of the beneficial owners of accounts.

**Illicit crop eradication and alternative development**

61. Global illicit opium poppy cultivation declined by 2 per cent, from 238,000 hectares (ha) in 1998 to 234,000 ha in 2007. Over that same period, opium poppy cultivation in the Lao People's Democratic Republic, Myanmar and Thailand decreased from an estimated 157,900 ha to only 29,400 ha, a reduction of 81 per cent in nine years.

62. However, the significant decline in South-East Asia could not offset the increase that occurred in Afghanistan. Worldwide, the estimated area under illicit opium poppy cultivation increased by 17 per cent in 2007. Global illicit opium poppy production reached 8,800 tons in 2007, an increase of 33 per cent over 2006 and double the amount produced in 1998. Afghanistan currently accounts for 82 per cent of global opium poppy cultivation and 93 per cent of global illicit opium production.

63. There has been a marked increase in coca bush cultivation in 2007. The total area of land under coca bush cultivation in Bolivia, Colombia and Peru in 2007 was 181,600 ha, a 16 per cent increase over 2006,[2] and the highest level since 2001 (although well below figures from the 1990s). That trend can be attributed to improved cultivation techniques such as the harvesting of more crops each year, the use of higher-yield varieties and an increase in the number of plants grown per hectare. Preliminary figures for 2007 indicate that the number of coca processing laboratories destroyed in Bolivia, Colombia and Peru remained at about the same level as in 2006. In 2007, Colombia accounted for 60 per cent of estimated global cocaine manufacture, Peru for 29 per cent and Bolivia for 11 per cent.

64. Estimates of cannabis herb production for 2006 show a slight decline for the second year running, an apparent reversal of the upward trend that began in the early 1990s. Global cannabis herb production was estimated at 41,400 tons, down from 42,000 tons in 2005 and 45,000 tons in 2004.[2] Indoor cultivation, in particular in developed countries, has continued to expand, with several countries emerging as important producers, supplying illicit markets within their territory and elsewhere. In addition, scientific analysis of cannabis suggests a continued increase in the content of tetrahydrocannabinol.

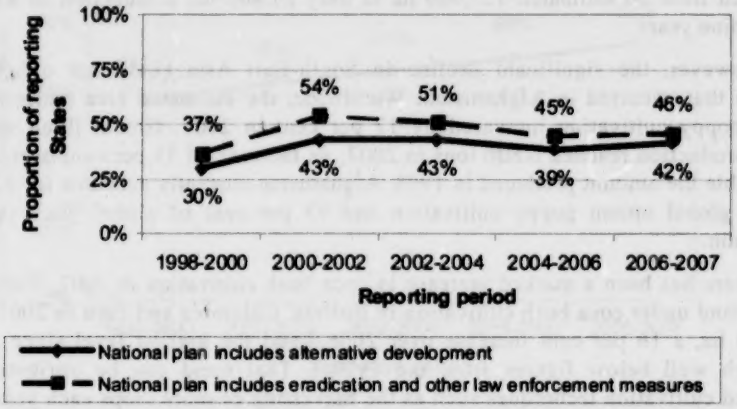
65. For the fifth reporting period (2006-2007), 44 States (42 per cent of respondents) reported having national plans or programmes that included alternative development. As can be seen in figure VII, that percentage reflected a slight increase over the previous reporting period and an increase of 12 per cent over the first and baseline reporting period (1998-2000).

[2] See *World Drug Report 2008* (United Nations publication, Sales No. E.08.XI.1).

Figure VII

**All regions: existence of a national plan or programme to reduce or eliminate the cultivation of illicit drug crops, by type of plan and reporting period**

(Percentage)




66. For the fifth reporting period, an increased percentage of States indicated that their alternative development programmes had supported participatory approaches and the establishment and training of community organizations and had taken into consideration the poorest and most vulnerable population groups.

67. Most States reporting on multilateral assistance provided for alternative development indicated that their support had been channelled through UNODC. A number of States also reported on bilateral assistance provided in support of alternative development.

68. For the reporting period 2006-2007, States cited financial constraints as the greatest obstacle to the implementation of alternative development programmes. Other obstacles identified were the lack of supporting structures for delivering development assistance, lack of technical expertise and coordination problems.

# III. Action by the United Nations system

69. Through its drug programme, UNODC aims to make the world safer from drugs by supporting the work of the Commission on Narcotic Drugs and its subsidiary bodies (the main United Nations policymaking bodies in the field of drug control) and supporting Member States through technical assistance, legal advice and research. UNODC is strategically placed to identify those areas in the world where its involvement can make the greatest contribution by strengthening regional capacity or mobilizing the support of the international community to match recipients' needs. The operations of UNODC are goal-oriented and seek solutions to challenging new trends and emerging problems. UNODC assists States in fulfilling their drug control commitments and supports their efforts to meet the standards they have set for themselves (E/CN.7/2007/6).

70. UNODC has been mandated to assist Member States in implementing the provisions of the international legal instruments on drugs. UNODC advises States on all aspects of the drug control conventions, from introducing preventive measures and criminalization to enhancing capacity for improved international cooperation.

71. In 2007 and 2008, UNODC continued to improve the coverage and quality of data and analysis it made available to Member States. In the 2008 edition of its flagship publication, the World Drug Report, UNODC presented the trends in the world's illicit drug markets, showed the progress made in the period 2006-2007 and highlighted vulnerable areas for drug control, most notably opium poppy cultivation in Afghanistan and demand for cocaine in Europe.

## A. Demand reduction

72. Although the global demand for illicit drugs does not appear to be increasing, there are still 25 million problem drug users in the world.[3] In 2007, UNODC continued to work with Member States, non-governmental organizations and municipalities to improve drug prevention, treatment and rehabilitation and started strengthening its partnership with the United Nations Human Settlements Programme (UN-HABITAT) and the World Health Organization to promote safer and healthier communities, seeking to reduce the spread of blood-borne diseases, such as HIV/AIDS, among injecting drug users (E/CN.7/2008/3).

73. Community-centred prevention involves working with children, parents and teachers to ensure that young people get the support they need to develop self-esteem, providing greater support for family-based programmes, since prevention begins at home, and creating opportunities for young people to engage in healthy activities to enhance their well-being, for example through the Global Sport Fund promoted by the Government of Qatar.

74. Mindful of the critical role played by non-governmental and civil society organizations in the prevention of drug abuse and in the treatment and rehabilitation of drug abusers, UNODC, in partnership with the Vienna NGO Committee on Narcotic Drugs, has facilitated a series of regional consultations culminating in a global forum entitled "Beyond 2008", held in Vienna from 7 to 9 July 2008. At the forum, participants were expected to highlight civil society's achievements and challenges in promoting drug demand reduction since the twentieth special session of the General Assembly.

## B. Supply reduction and law enforcement

75. UNODC continued to serve as the secretariat of the subsidiary bodies of the Commission on Narcotic Drugs, namely the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle East and the regional meetings of heads of national drug law enforcement agencies. Four meetings of the subsidiary bodies of the Commission were held in 2007: the forty-second session of the Subcommission on Illicit Drug Traffic and Related Matters in the Near and Middle

[3] *World Drug Report 2007* (United Nations publication, Sales No. E.07.XI.5).

East, held in Agra, India, from 3 to 7 December (UNODC/SUBCOM/2007/2); the seventeenth Meeting of Heads of National Drug Law Enforcement Agencies, Africa, held in Nairobi from 17 to 20 September (UNODC/HONLAF/2007/5); the seventeenth Meeting of Heads of National Drug Law Enforcement Agencies, Latin America and the Caribbean, held in Quito from 15 to 19 October (UNODC/HONLAC/2007/5); and the thirty-first Meeting of Heads of National Drug Law Enforcement Agencies, Asia and the Pacific, held in Bangkok from 13 to 16 November (UNODC/HONLAP/2007/5).

76. Areas where the rule of law is weak attract drug traffickers, perpetuating a vicious circle that perverts local economies, deepens corruption and erodes the integrity of public institutions. Much of the work carried out by UNODC in 2007 continued to aim at strengthening the rule of law: from prison reform and witness protection programmes to combating money-laundering and kidnapping. UNODC helped establish drug control agencies, build border posts, strengthen the judiciary and improve interdiction capability. UNODC also helped establish counter-narcotic intelligence centres in the Persian Gulf area and Central Asia and a trilateral initiative between Afghanistan, Iran (Islamic Republic of) and Pakistan to facilitate border control and legal cooperation. UNODC also continued to assist States in Africa in strengthening their judicial capacity.

77. Upon request, UNODC undertook needs assessment missions regarding supply reduction to China, Ghana, Guinea-Bissau, Pakistan and Yemen and worked with partner Government agencies to develop technical assistance programmes to strengthen their responses to drug trafficking.

78. In October 2007, in the framework of the Paris Pact initiative, UNODC organized a meeting in Kabul of senior international counter-narcotics officials to review and improve regional and international efforts to contain the Afghan opiates threat. Furthermore, UNODC has developed the Automated Donor Assistance Mechanism, an online tool that contains information on nearly 900 counter-narcotics projects in Asia and Europe.

79. In November 2007, UNODC established the Central Asia Regional Information and Coordination Centre to facilitate information exchange and analysis and to assist in the coordination of operational law enforcement activities among Azerbaijan, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, Turkmenistan and Uzbekistan.

## C. Alternative livelihoods

80. UNODC continued to foster strong political commitment and increased support among the development community for alternative development programmes to reduce or eliminate illicit drug crop cultivation.

81. In 2007, 13 of Afghanistan's 34 provinces were opium-free (compared with only 6 in 2006). However, opium poppy cultivation reached unprecedented levels. Some 80 per cent of opium poppy crops were located in the south and south-west of the country, where security conditions had deteriorated markedly. UNODC supported the Government in policy development, institution- and capacity-building

for alternative livelihoods, criminal justice, cross-border operations and illicit crop monitoring.

82. In Bolivia, Colombia and Peru, UNODC-supported alternative development programmes were designed and implemented with a focus on poverty alleviation, sustainable productive management of strategic ecosystems, support for the marketing of alternative development products and diversified employment. In Colombia, UNODC programmes have provided farmers with technical and managerial assistance for productive activities and the rational exploitation of forest resources. UNODC also monitored voluntary eradication, forest recovery and socio-economic development. In Peru, UNODC assisted farmers in the development of modern and commercially viable legal enterprises, with their product sales reaching 55 million United States dollars in 2006, a 38 per cent increase over 2005. In Bolivia, UNODC supported vocational training and micro-enterprise development activities in order to generate employment and livelihood opportunities for young people in the Cochabamba Tropics region. A four-year agroforestry programme was launched in 2006 in that area and one in the Yungas of La Paz region was continued.

83. In 2007, the Government of Myanmar, UNODC and other United Nations bodies agreed on a framework for transition from emergency relief to sustainable development in the Wa region in the period 2008-2011.

84. UNODC provided alternative development assistance to former opium poppy growers. It also assisted the Government of the Lao People's Democratic Republic in mapping the poorest former opium poppy cultivating villages in order to identify gaps in support and potential partners.

## D. Data collection, research and monitoring of drug trends

85. In the *World Drug Report 2008*,[4] UNODC confirmed that progress had been made in the area of drug control, although containment was currently under threat. While the global levels of production of cannabis and amphetamine-type stimulants had remained stable, there had been an increase in cocaine use in Europe and South America and an escalation of opium production in Afghanistan, despite the increased number of poppy-free provinces in that country. Reports of surveys of illicit opium production were published in October for South-East Asia (the Lao People's Democratic Republic, Myanmar and Thailand), completing the global opium and heroin production picture for 2007. New data on coca bush cultivation in the Andean countries in 2007 were published in June 2008.

86. UNODC documented the situation in Africa, in particular with regard to the alarming increase in cocaine trafficking through West Africa, in reports prepared in August, November and December 2007.

87. In 2007, UNODC and its national counterpart agencies conducted illicit crop monitoring surveys in Afghanistan, Bolivia, Colombia, the Lao People's Democratic Republic, Myanmar and Peru. In Ecuador, an initial assessment of coca bush cultivation was conducted.

[4] *World Drug Report 2008* (United Nations publication, Sales No. E.08.XI.1).

### E. Strengthening the drug programme of the United Nations Office on Drugs and Crime

88. Pursuant to Commission on Narcotic Drugs resolution 48/14, the strategy for the period 2008-2011 for UNODC (Economic and Social Council resolution 2007/12, annex) was developed to enhance accountability by implementing result-based management. The strategy has been incorporated into the strategic framework of the United Nations for the period 2010-2011 and the consolidated budget for the biennium 2008-2009 for UNODC (E/CN.7/2007/17) is also in alignment with the three basic themes and 14 result areas identified.

89. At its fifty-first session, the Commission adopted its decision 51/1, entitled "Improving the governance and financial situation of the United Nations Office on Drugs and Crime", in which it decided to establish an open-ended intergovernmental working group to discuss and prepare recommendations to be presented to the Commission at its fifty-second session on how to ensure political ownership by the Member States and on how to improve the governance structure and the financial situation of UNODC.

90. Although the work of UNODC is mandated by a broad range of international legally binding instruments and the many United Nations standards and norms in crime prevention and criminal justice, its regular budget resources amount to less than 1 per cent of the United Nations regular budget. Given the discrepancy between its multifaceted mandate and its weak regular resource base, UNODC has redefined its strategic priorities in the strategy for the period 2008-2011 for UNODC, which will allow it to engage in a more strategic dialogue with its stakeholders and to promote more flexible funding methods.

## IV. Conclusions and recommendations

### A. Conclusions

91. In 1998, at the twentieth special session of the General Assembly, Member States assumed a series of major commitments to combat the world drug problem. Member States have an obligation to give serious consideration to those commitments, to review what has been achieved and to reaffirm that political commitment by developing new actions, when and where required, as well as to deepen the reach of interventions that have proven effective and efficient.

92. Member States have continued to make progress in all areas of the Political Declaration and related measures adopted by the General Assembly at its twentieth special session.

93. Available information on the drug abuse situation suggests that, despite an apparent increase in the absolute number of cannabis, cocaine and opiates users, the annual prevalence levels have remained stable in all drug markets.[5] As drug abuse behaviour is influenced by multiple factors, it would appear that declines in

[5] *World Drug Report 2008* (United Nations publication, Sales No. E.08.XI.1).

consumption tend to occur in countries where long-term, sustained and well-resourced demand reduction strategies have been implemented.

94. The diversion from legitimate commerce of chemicals used to process and refine drugs is becoming an increasingly serious problem.

## B. Recommendations

### 1. Follow-up to the twentieth special session of the General Assembly

95. Member States should consider reaffirming their commitment to assessing the impact of their global efforts to combat the world drug problem.

96. It is important to note that, even if a country has developed a national drug control strategy and established a national authority to coordinate its implementation, there may still be a need to strengthen that strategy or authority politically or in terms of its technical, institutional or human resource capacity.

97. The impact of the world drug problem on the social, economic, health, political and governance aspects of societies continues to be significant. Member States have an obligation to seriously consider those commitments, review achievements and map out any further action that may be needed.

98. Member States should call for UNODC to be provided with adequate regular budget resources to enable it to meet its mandates. Member States are encouraged to continue and further increase their financial and political support for the work of UNODC.

### 2. Demand reduction

99. Member States should further expand and improve the coverage of demand reduction programmes and services, including in the areas of prevention, treatment and rehabilitation, and should aim to reduce the negative health and social consequences of drug abuse.

### 3. Amphetamine-type stimulants and their precursors

100. More needs to be done to effectively curb the manufacture of, trafficking in and abuse of amphetamine-type stimulants at the national, regional and international levels.

101. Member States should continue to address deficiencies in national legislation and regulatory frameworks for the control of precursor chemicals and to include in their precursor control framework a system of prior authorization for imports and exports.

102. Member States should establish codes of conduct to enable effective collaboration with the chemical industry and should take measures to prevent trade in and diversion of materials and equipment used for the illicit production or manufacture of narcotic drugs and psychotropic substances.

**4. Judicial cooperation**

103. Member States should adopt or revise national legislation to permit extradition, mutual legal assistance and controlled delivery.

104. Member States should adopt legislation to protect witnesses, judges, prosecutors and law enforcement officers.

**5. Money-laundering**

105. Member States should establish legislative frameworks to criminalize the laundering of money derived from drug trafficking and other serious crimes and should adopt legislative measures to identify, freeze, seize and confiscate the proceeds of criminal activities.

**6. Illicit crop eradication and alternative development**

106. Member States affected by illicit drug crop cultivation are urged to strengthen cross-border, subregional and regional technical assistance and cooperation, including South-South cooperation.

107. The international community is urged to include alternative development strategies and objectives in broad-scale development strategies and programmes and to increase support for rural development in regions and populations affected by illicit drug crop cultivation.

108. Member States affected by illicit drug crop cultivation are urged to develop or take advantage of existing schemes for alternative development products and those not affected by illicit drug crop cultivation are urged to provide greater access to their markets for those products.

109. Donors, affected States and other relevant key development partners should examine innovative ways to promote environmentally sound alternative development programmes.

110. Socio-economic parameters should be used to measure the impact and sustainability of alternative development, including on education, health, employment, environment and gender-related issues, institution-building and governmental capacity.

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**Elimination of racism and racial discrimination:
Comprehensive implementation of and follow-up to
the Durban Declaration and Programme of Action**

# REPORT OF THE PREPARATORY COMMITTEE FOR THE DURBAN REVIEW CONFERENCE ON ITS FIRST SUBSTANTIVE SESSION

**Vice-Chairperson-Rapporteur: Mr. Resfel Pino Álvarez (Cuba)**

* A/63/50.

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## I. OPENING OF THE SESSION

1. The Preparatory Committee for the Durban Review Conference held its first substantive session in Geneva from 21 April to 2 May and on 26 May 2008 (see paragraph 18 below), in accordance with General Assembly resolution 61/149 of 19 December 2006, and Human Rights Council resolutions 3/2 of 8 December 2006 and 6/23 of 28 September 2007. It held 15 meetings during the session.

2. The session was opened by the Chairperson of the Preparatory Committee, Ms. Najat Al-Hajjaji.

3. At the 1st meeting, on 21 April 2008, the United Nations High Commissioner for Human Rights made a statement.

4. Also at the 1st meeting, on 21 April 2008, the Preparatory Committee heard general statements from the following States Members of the United Nations: Egypt (on behalf of the African Group), Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia (on behalf of the European Union), Chile (on behalf of the Group of Latin American and Caribbean States), the United Kingdom of Great Britain and Northern Ireland, Burkina Faso, Mexico, Brazil, Argentina and the Islamic Republic of Iran. At the 3rd meeting, on 22 April 2008, general statements were made by Indonesia, Angola, Turkey, Panama, the Libyan Arab Jamahiriya, Algeria, the Syrian Arab Republic, Switzerland, Nigeria, China, Ghana and Morocco. At the same meeting, general statements were made by the following non-governmental organizations: the Indian Movement Tupaj Amaru, the Institute on Human Rights and the Holocaust, and the European Network against Racism.

5. The session was attended by representatives of States Members of the United Nations, non-member States and Palestine, United Nations funds, agencies and programmes, inter-governmental organizations, human rights bodies and mechanisms, and non-governmental organizations (see the list of attendance in annex III).

6. For a list of the decisions adopted by the Preparatory Committee, see annex I. For the list of documents issued for the first substantive session of the Preparatory Committee, see annex V. For the statements delivered as part of the general debate and under each agenda item, see annex IV. All statements referred to in the present report, if provided in writing, are posted on the Extranet (www2.ohchr.org/english/bodies/hrcouncil/form.htm). Information on the session is available at the website of the Office of the High Commissioner for Human Rights (OHCHR), including webcast archives (www2.ohchr.org/english/issues/racism/DurbanReview/session1-documentation.htm).

## II. ADOPTION OF THE AGENDA

7. At its 1st meeting, on 21 April 2008, the Preparatory Committee had before it the provisional agenda of its first substantive session (A/CONF.211/PC.2/1), which had been adopted during its organizational session (A/62/375) by its decision PC.1/14 of 31 August 2007, and the annotations to the provisional agenda, prepared by the Secretary-General (A/CONF.211/PC.2/1/Add.1).

8. At its 1st meeting, on 21 April 2008, the Preparatory Committee adopted its agenda and its programme of work without a vote (for the texts as adopted, see annex II).

## III. ORGANIZATION OF WORK

9. At its 1st meeting, on 21 April 2008, the Preparatory Committee considered draft decision 1, entitled "Accreditation of the non-governmental organization: Peoples Forum for Human Rights and Development", as recommended by the Bureau (see A/CONF.211/PC.2/4). The representative of Bhutan made a statement explaining the reasons for its objections. The Preparatory Committee adopted the draft decision, as orally revised, without a vote (for the text as adopted, see annex I, decision PC.2/1).

10. At its 1st meeting, on 21 April 2008, the Preparatory Committee considered draft decision 5, entitled "Accreditation of 33 non-governmental organizations", as recommended by the Bureau (see A/CONF.211/PC.2/4/Add.1). The Preparatory Committee adopted the draft decision, as orally revised, without a vote (for the text as adopted, see annex I, decision PC.2/2).

11. At its 3rd meeting, on 22 April 2008, the Preparatory Committee considered draft decision 3, entitled "Panel discussion on the objectives of the Durban Review Conference", as recommended by the Bureau (see A/CONF.211/PC.2/4). The Preparatory Committee adopted the decision without a vote (for the text as adopted, see annex I, decision PC.2/3). At the same meeting, on 22 April 2008, the Preparatory Committee also considered and approved the modalities of the panel discussion.

12. At its 2nd and 3rd meetings, on 21 and 22 April 2008, the Preparatory Committee considered draft decision 2, entitled "Establishment and dates of the intersessional open-ended intergovernmental working group", as recommended by the Bureau (see A/CONF.211/PC.2/4). Statements were made by the representatives of Egypt (on behalf of the African Group), Slovenia (on behalf of the European Union), South Africa, Belgium, Switzerland, India, Algeria, Nigeria, Liechtenstein, the Russian Federation, Pakistan (on behalf of the Organization of the Islamic Conference) and Mexico. The Preparatory Committee adopted the decision, as revised, without a vote (for the text as adopted, see annex I, decision PC.2/4).

13. At its 9th meeting, on 25 April 2008, the Preparatory Committee designated Zohrab Mnatsakanian, Ambassador of Armenia and Vice-Chairperson of the Preparatory Committee, to the post of the Chairperson of the intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee.

14. At its 3rd meeting, on 22 April 2008, the Preparatory Committee adopted, without a vote, the following rules concerning the speaking time limits during its session:

(a) The speaking time for the session will be five minutes per statement for States Members of the United Nations and three minutes for all observers;

(b) The speaking time for joint statements by Member States should not exceed 10 minutes;

(c) The speaking time for joint statements by non-governmental organizations will be as follows: 1 to 2 non-governmental organizations: three minutes; 3 to 5 non-governmental organizations: four minutes; 6 to 10 non-governmental organizations: five minutes; more than 10 non-governmental organizations: six minutes.

15. At the same meeting, the Preparatory Committee decided that non-governmental organizations would be able to participate in the general debate on all substantive agenda items at its session (items 4 to 8).

16. At its 1st and 2nd meetings, on 21 April 2008, the Preparatory Committee discussed the accreditation of the Canadian Council for Israel and Jewish Advocacy, listed in a note by the Secretariat entitled "Accreditation of non-governmental organizations for the sessions of its Preparatory Committee" (see A/CONF/211/PC.2/6). Interventions were made by representatives of the Islamic Republic of Iran, Palestine (on behalf of the Arab Group), Slovenia (on behalf of the European Union), South Africa, Pakistan (on behalf of the Organization of the Islamic Conference), Egypt, Germany, the Syrian Arab Republic, Belgium, Algeria, the Russian Federation, Argentina (also on behalf of Brazil, Chile, Mexico and Uruguay), India, the Netherlands and Norway (also on behalf of New Zealand). At the request of the Preparatory Committee, the Secretariat provided it with required additional information. The Preparatory Committee continued its consideration of this issue at its 11th meeting, on 30 April 2008. The Preparatory Committee took note of the fact that the Canadian Council for Israel and Jewish Advocacy had withdrawn its application to participate in the work of the Preparatory Committee and the Durban Review Conference.

17. At its 11th meeting, on 30 April 2008, the Preparatory Committee considered the draft decisions on provisional accreditation of non-governmental organizations, accreditation of Durban 2001 non-governmental organizations and accreditation of new non-governmental organizations. The Preparatory Committee adopted the decisions without a vote (for the texts as adopted, see annex I, decisions PC.2/5, PC.2/6 and PC.2/7). Statements were made by Argentina (also on behalf of Brazil, Chile, Colombia, Guatemala, El Salvador, Honduras, Mexico, Peru and Uruguay), Slovenia (on behalf of the European Union), Pakistan (on behalf of the Organization of the Islamic Conference), Switzerland, the Islamic Republic of Iran, Egypt (on behalf of the African Group) and Palestine (on behalf of the Arab Group).

18. At the 14th meeting of the Preparatory Committee, on 2 May 2008, the Chairperson announced that the first substantive session of the Preparatory Committee would be suspended and would resume on 26 May.

## IV. SUBMISSION OF THE PROVISIONAL AGENDA OF THE DURBAN REVIEW CONFERENCE

19. At its 3rd meeting, on 22 April 2008, the Preparatory Committee had before it the Chairperson's proposal relating to the provisional agenda for the Durban Review Conference (A/CONF.211/PC.2/4). Interventions were made by Slovenia (on behalf of the European Union), Egypt (on behalf of the African Group), Pakistan (on behalf of the Organization of the Islamic Conference) and Norway. The Preparatory Committee adopted, without a vote, the provisional agenda (for the text as adopted, see annex I, decision PC.2/11).

## V. REPORTS OF PREPARATORY MEETINGS AND ACTIVITIES AT THE INTERNATIONAL, REGIONAL AND NATIONAL LEVELS

20. At the 3rd meeting of the Preparatory Committee, on 22 April 2008, the Secretariat made a presentation on budgetary issues of the preparatory process for the Durban Review Conference, followed by a question and answer segment. Statements were made by representatives of Algeria, the Russian Federation, Egypt (on behalf of the African Group) and Slovenia (on behalf of the European Union).

21. At the 5th meeting of the Preparatory Committee, on 23 April 2008, statements were made by the Member States Brazil, Mexico and Egypt (on behalf of the African Group). Statements were also made by Stichting National Monument-Netherlands (on behalf of nine non-governmental organizations), the Institute on Human Rights and the Holocaust, and the Indian Movement Tupaj Amaru.

22. At the 1st meeting of the Preparatory Committee, on 21 April 2008, the Chairperson referred to the offer by Brazil to host a regional preparatory meeting for Latin America and the Caribbean. At the 5th meeting, on 23 April 2008, the representative of Brazil made a statement in this regard. At the 13th meeting, on 2 May 2008, the representative of Nigeria informed the Preparatory Committee that the Government of Nigeria offered to host a regional preparatory meeting for Africa.

## VI. REVIEW OF REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE DURBAN REVIEW CONFERENCE AND CONTRIBUTIONS OF HUMAN RIGHTS BODIES AND MECHANISMS

23. At its 4th meeting, on 22 April 2008, the Preparatory Committee held a panel discussion on the objectives of the Durban Review Conference, in accordance with decision PC.2/3 adopted by the Preparatory Committee on 22 April 2008. The Preparatory Committee had before it a report prepared by the Secretariat containing a summary of replies from Member States (A/CONF.211/PC.2/CRP.6) and a note by the Secretariat containing responses to the questionnaire received from specialized agencies of the United Nations system and relevant United Nations bodies, regional organizations and non-governmental organizations (A/CONF.211/PC.2/CRP.2).

24. In accordance with its decision PC.1/10, the Preparatory Committee also had before it contributions received to date from the Committee on the Elimination of Racial Discrimination (A/CONF.211/PC.2/CRP.5), the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/2/3 and A/HRC/7/19), the Special Rapporteur on freedom of religion or belief (A/HRC/6/5), the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (A/CONF.211/PC.2/7), the Working Group of Experts on People of African Descent (A/HRC/7/36) and the Special Rapporteur on the right to education (A/CONF.211/PC.2/CRP.3).

25. At the panel discussion held at the 4th meeting of the Preparatory Committee, on 22 April 2008, the following panellists made presentations: the Chairperson of the Working Group of Experts on People of African Descent; the Chairperson of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action; the Chairperson and a member of the Committee on the Elimination of Racial Discrimination; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Chairperson of the Ad Hoc Committee on the Elaboration of Complementary International Standards. A statement was also made by a member of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. In the interactive dialogue that followed, the following Member States made statements and asked the panellists questions: Slovenia (on behalf of the European Union), Egypt (on behalf of the African Group), Norway, New Zealand (also on behalf of Switzerland), Argentina, Belgium, Estonia, Senegal, the Netherlands, Mexico, Pakistan, India, the Czech Republic, the Islamic Republic of Iran, South Africa, Algeria, China, Burkina Faso, Nigeria, Switzerland and Nepal. A statement was also made by a representative of the Organization of the Islamic Conference. The non-governmental organizations Indigenous Peoples and Nations Coalition and the African Canadian Legal Clinic also made interventions.

26. At its 5th and 6th meetings, on 23 April 2008, the Preparatory Committee continued its consideration of agenda item 6, with a focus on objective 1 of the Durban Review Conference (to review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance through an inclusive, transparent and collaborative process and identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action). Statements were made by the following Member States: Egypt (on behalf of the African Group), Argentina, Austria, the Russian Federation, Slovenia (on behalf of the European Union), Turkey, South Africa, Pakistan (on behalf of the Organization of the Islamic Conference), Switzerland, Mexico, Algeria, the Sudan, Morocco and China. Statements were also made by the following non-governmental organizations: the Indian Movement Tupaj Amaru, the Institute on Human Rights and the Holocaust, the European Network against Racism, the Mouvement contre le racisme et pour l'amitie entre les peuples and the Association of World Citizens.

27. At its 6th and 7th meetings, on 23 and 24 April 2008, the Preparatory Committee continued its consideration of agenda item 6, with a focus on objective 2 of the Durban Review Conference (to assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms in order to enhance them). Statements were made by the following Member States: Egypt (on behalf of the African Group), Slovenia (on behalf of the European Union), Argentina, Mexico, Chile (on behalf of the Group of Latin American and Caribbean States), Switzerland, Brazil, Nigeria, Senegal, Algeria, Thailand, the United Republic of Tanzania, the Syrian Arab Republic, China and Ghana. A joint statement was also made by the African Canadian Legal Clinic (on behalf of seven non-governmental organizations), the Institute on Human Rights and the Holocaust, the Indian Movement Tupaj Amaru and the Mouvement contre le racisme et pour l'amitié entre les peuples. A joint statement was also made by the Asian Forum for Human Rights and Development (on behalf of four non-governmental organizations).

28. At its 8th meeting, on 24 April 2008, the Preparatory Committee continued its consideration of item 6 of the agenda, with a focus on objective 3 (to promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination). Statements were made by the following Member States: Egypt (on behalf of the African Group), Mexico, Slovenia (on behalf of the European Union), Turkey, Brazil, Morocco, Algeria, Angola, India, Switzerland and Senegal.

29. At its 9th meeting, on 25 April 2008, the Preparatory Committee continued its consideration of item 6 of the agenda, with a focus on objective 4 (to identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance). Statements were made by the following Member States: Egypt (on behalf of the African Group), Mexico, Germany, France, Switzerland, the Czech Republic, Slovenia, Nigeria, Belgium, the United Kingdom of Great Britain and Northern Ireland, Iran (Islamic Republic of), Brazil, Argentina, Norway, the Republic of Korea, the Syrian Arab Republic and Algeria. A statement was made by the European Commission. Statements were also made by the following non-governmental organizations: the European Roma Rights Centre, Youth against Racism, the Indian Movement Tupaj Amaru (also on behalf of the World Peace Council), the Institute on Human Rights and the Holocaust and the Association of World Citizens.

## VII. DRAFT OUTCOME DOCUMENT OF THE DURBAN REVIEW CONFERENCE

30. At its 10th meeting, on 28 April 2008, the Preparatory Committee considered agenda item VII, with a focus on the structure of the draft outcome document of the Durban Review Conference. Statements were made by Egypt (on behalf of the African Group), Slovenia (on behalf of the European Union), Argentina, Turkey, Mexico and Palestine (on behalf of the Arab Group). Statements were also made by the non-governmental organizations Human Rights Watch and Human Rights First (on behalf of four non-governmental organizations).

31. At its 11th meeting, on 30 April 2008, the Preparatory Committee considered the draft decision on the structure of the draft outcome document of the Durban Review Conference. A statement was made by Brazil. At its 12th meeting, on 30 April 2008, statements were made by Armenia and Algeria. At the same meeting, the Preparatory Committee adopted, without a vote, the structure of the draft outcome document of the Durban Review Conference (for the text as adopted, see annex I, decision PC.2/8). Statements after the adoption were made by Slovenia (on behalf of the European Union) and Egypt (on behalf of the African Group).

## VIII. ORGANIZATION OF THE WORK OF THE DURBAN REVIEW CONFERENCE AND OTHER MATTERS

32. At its 11th meeting, on 30 April 2008, the Preparatory Committee considered the organization of the work of the Durban Review Conference and other matters. Statements were made by Egypt (on behalf of the African Group), Slovenia (on behalf of the European Union) and the Syrian Arab Republic. At its 12th meeting, on 30 April 2008, statements were made by the following non-governmental organizations: Association of World Citizens, Institute on Human Rights and the Holocaust, Youth Against Racism, the Aldet Centre of Saint Lucia and the Simon Wiesenthal Center.

33. At its 12th meeting, on 30 April 2008, the Preparatory Committee considered the draft decision on participation of observers in the Durban Review Conference, as proposed by the Chairperson (see A/CONF.211/PC.2/4/Add.1). The Preparatory Committee adopted the draft decision without a vote (for the text as adopted, see annex I, decision PC.2/12).

34. At its 13th meeting, on 2 May 2008, the Preparatory Committee considered draft decision 4 on an information strategy for the Durban Review Conference, as recommended by the Bureau (see A/CONF.211/PC.2/4). The Preparatory Committee adopted the draft decision without a vote (for the text as adopted, see annex I, decision PC.2/9). At its 15th meeting, on 26 May 2008, the Preparatory Committee agreed, as proposed by the Chairperson, to delegate to the Bureau the follow-up with the Secretariat on the implementation of that decision.

35. At its 13th meeting, on 2 May 2008, the Preparatory Committee considered a draft decision on documentation for the preparatory process for the Durban Review Conference. The Preparatory Committee adopted the draft decision without a vote (for the text as adopted, see annex I, decision PC.2/10). Statements were made by Algeria and Egypt.

36. At the 14th meeting of the Preparatory Committee, on 2 May 2008, the Chairperson informed that the draft decision on modalities of the Durban Review Conference, as proposed by the Chairperson (see A/CONF.211/PC.2/4/Add.1) had been withdrawn.

37. At its 15th meeting, on 26 May 2008, the Preparatory Committee considered a draft decision on the venue, timing and duration of the Durban Review Conference, as proposed by the Chairperson. The Preparatory Committee adopted the draft decision without a vote (for the text as adopted, see annex I, decision PC.2/13).

38. At its 15th meeting, on 26 May 2008, the Preparatory Committee considered a draft decision on the slogan of the Durban Review Conference, as proposed by the Chairperson. The Preparatory Committee adopted the draft decision without a vote (for the text as adopted, see annex I, decision PC.2/14).

39. At its 15th meeting, on 26 May 2008, the Preparatory Committee considered a draft decision on the logo for the Durban Review Conference, as proposed by the Chairperson. Statements were made by Egypt, Pakistan, South Africa, Greece and Belgium. The Preparatory Committee adopted the draft decision without a vote (for the text as adopted, see annex I, decision PC.2/15).

## IX. ADOPTION OF THE REPORT OF THE PREPARATORY COMMITTEE

40. At the 14th meeting, on 2 May 2008, the delegate of Cuba presented, on behalf of the Vice-President-Rapporteur, the advance unedited version of the report, pending its finalization and adoption at the resumed session on 26 May 2008. The following Member States made interventions: Egypt (on behalf of the African Group) and Slovenia (on behalf of the European Union).

41. At the 15th meeting, on 26 May 2008, the Preparatory Committee considered the draft report on the work of its first substantive session. The draft report, including the annexes thereto, was adopted ad referendum. The Preparatory Committee decided to entrust the Vice-Chairperson-Rapporteur with its finalization, with the assistance of the Secretariat.

42. At the same meeting, at the closure of the session, statements were made by Egypt (on the behalf of the African Group), Slovenia (on behalf of the European Union), Switzerland and Armenia.

43. At the closure of the session, the High Commissioner for Human Rights also made a statement.

## Annex I

## DECISIONS ADOPTED BY THE PREPARATORY COMMITTEE FOR THE DURBAN REVIEW CONFERENCE AT ITS FIRST SUBSTANTIVE SESSION

### PC.2/1. Accreditation of the non-governmental organization: Peoples Forum for Human Rights and Development

At its 1st meeting, on 21 April 2008, the Preparatory Committee decided, without a vote, that in line with Preparatory Committee decision PC.1/2 of 27 August 2007 entitled "Participation of, and consultation with, observers at the sessions of the Preparatory Committee", the Secretariat has sent to all Member States an updated list of non-governmental organizations not in consultative status with the Economic and Social Council, but accredited to participate in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and its follow-up mechanisms. The Government of Bhutan, in a note verbale of 7 September 2007, raised objections concerning the non-governmental organization Peoples Forum for Human Rights and Development. Given that this organization did not respond to requests made by the Secretariat for further information following the concerns raised by the Government of Bhutan, and that there are not sufficient grounds to establish its competence and the relevance of its activities with regard to the work of the Preparatory Committee, the Preparatory Committee decides not to accredit the non-governmental organization Peoples Forum for Human Rights and Development.

### PC.2/2. Accreditation of 33 non-governmental organizations

At its 1st meeting, on 21 April 2008, the Preparatory Committee decided, without a vote, that according to Preparatory Committee decision PC.1/2, paragraph (c) (ii), non-governmental organizations not in consultative status with the Economic and Social Council but accredited to participate in the 2001 Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance shall be invited to participate fully in the sessions of the Preparatory Committee, unless there are observations made by Member States within 14 days from the date they receive the note verbale with the list of these non-governmental organizations. The standard process established in resolution 1996/31 of the Economic and Social Council will be applied. Observations were made by the Government of India seeking information, as stipulated in resolution 1996/31 of 26 July 1996, with regard to the 33 organizations below. The said organizations, having failed to provide required information demonstrating their compliance with resolution 1996/31, the Preparatory Committee decides not to invite the organizations concerned to participate in the first substantive session of the Preparatory Committee for the Durban Review Conference.

**List of non-governmental organizations**

1. Catholic Bishops Conference of India/Commission for Scheduled Caste
2. Commonwealth Human Rights Initiative
3. Dalit Resource Centre

4. Dalit Solidarity Peoples
5. Indian Confederation of Indigenous and Tribal Peoples
6. National Federation of Dalit Women
7. New Entity for Social Action
8. Peoples Watch - Tamil Nadu
9. Tamil Nadu Women's Forum
10. All India Women's Conference
11. Breakthrough Trust
12. Centre for Organisation Research and Education (CORE)
13. Centre for Promotion of Social Concerns
14. Krushi Samstha
15. People's Action for Rural Awakening (PARA)
16. People's Education for Action and Liberation (PEAL)
17. People's Movement for Self-Reliance (PMSR)
18. Prajwala Sangham
19. Prayas Gramin Vikas Samity
20. Rural Education for Development Society
21. Rural Health Education, Agriculture and Development Society
22. Sahanivasa
23. Andhra Pradesh Vyavasa Vruthidarula Union
24. Dalit Women Movement
25. Dalit Liberation Education Trust
26. National Alliance of Women (NAW)
27. Society for Integrated Development in Urban & Rural Areas (SIDUR)
28. Society of the Immaculate Heart of Mary (ICM Sisters) - Trichy
29. Sulabh International Social Service Organisation

30. Ambedkar Education Society

31. PRERANA

32. Sarvangin Vikas Sanstha

33. Tibetan Centre for Human Rights and Democracy

**PC.2/3. Panel discussion on the objectives of the Durban Review Conference**

At its 3rd meeting, on 22 April 2008, the Preparatory Committee decided to hold a panel discussion on the objectives of the Durban Review Conference under agenda item 6, "review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference and contributions of human rights bodies and mechanisms". The panel will be composed of the members of the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the independent eminent experts on the implementation of the Durban Declaration and Programme of Action, the Chairperson of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the Chairperson of the Ad Hoc Committee on the elaboration of complementary international standards. The presentations by the experts will be followed by an interactive dialogue.

**PC.2/4. Establishment and dates of the intersessional open-ended intergovernmental working group**

At its 3rd meeting, on 22 April 2008, the Preparatory Committee, recalling its decisions PC.1/10 (c) and PC.1/15 of 31 August 2007, decided to establish an intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee, including through reviewing contributions and commencing negotiations on the draft outcome document, and to report thereon to the Preparatory Committee. The Preparatory Committee further decided that the open-ended intergovernmental working group will hold two sessions, of one week each. The first session will be held from 26 to 30 May 2008, the second session from 30 June to 4 July 2008, or at any other date agreed by the working group.

**PC.2/5. Provisional accreditation of non-governmental organizations**

A.

At its 11th meeting, on 30 April 2008, the Preparatory Committee decided, without a vote, to provisionally accredit the below-mentioned new non-governmental organization to the Durban Review Conference and its preparatory process pending the reception of further information that demonstrates that they fully satisfy the criteria for accreditation contained in resolution 1996/31 of the Economic and Social Council and in accordance with Preparatory Committee decision PC.1/2:

1. Swadhikar

B.

The Preparatory Committee also decided to provisionally invite to the Durban Review Conference and its preparatory process the below-mentioned non-governmental organizations that are not in consultative status with the Economic and Social Council but participated in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001, pending the reception of further information that demonstrates that they fully satisfy the criteria for accreditation contained in resolution 1996/31 and in accordance with Preparatory Committee decision PC.1/2:

1. Centre for Community Economics and Development Consultants Society

2. Rural Development Centre

3. National Campaign on Dalit Human Rights

4. Buddha Smriti Sanathan

**PC.2/6. Accreditation of Durban 2001 non-governmental organizations**

At its 11th meeting, on 30 April 2008, the Preparatory Committee decided, without a vote, to reaffirm the accreditation of those non-governmental organizations that are not in consultative status with the Economic and Social Council but participated in the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 and whose accreditation to the Durban Review Conference and its preparatory process was not questioned by any Member State.

**PC.2/7. Accreditation of new non-governmental organizations**

At its 11th meeting, on 30 April 2008, the Preparatory Committee decided, without a vote, to accredit the following new non-governmental organizations to the Durban Review Conference and its preparatory process:

1. Palestinian Grassroots Anti-Apartheid Wall Campaign

2. Mouvement international pour les reparations

3. Foundation Against Racism and Anti-Semitism

4. Community Security Trust

**PC.2/8. Structure of the draft outcome document of the Durban Review Conference**

At its 11th meeting, on 30 April 2008, the Preparatory Committee decided, without a vote, that the outcome, consisting of a declaratory part and an action-oriented part containing further actions and initiatives, will be based on contributions submitted in conformity with decision PC.1/10 and the outcomes of the preparatory meetings and activities at the international, regional and national levels, and shall be drawn up in accordance with the following structure:

1. Review of progress and assessment of implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including the assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance:

   - Sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance
   - Victims of racism, racial discrimination, xenophobia and related intolerance
   - Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels
   - Provision of effective remedies, recourse, redress, and compensatory and other measures at all levels
   - Strategies to achieve full and effective equality, including international cooperation and enhancement of the United Nations and other international mechanisms in combating racism, racial discrimination, xenophobia and related intolerance

2. Assessment of the effectiveness of the existing Durban follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them.

3. Promotion of the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination.

4. Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance.

5. Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the Durban Declaration and Programme of Action and to address challenges and impediments thereto, including in the light of developments since the adoption of the Durban Declaration and Programme of Action in 2001.

**PC.2/9. Information strategy for the Durban Review Conference**

At its 13th meeting, on 2 May 2008, the Preparatory Committee decided, without a vote, to request the High Commissioner, in her capacity as Secretary-General of the Durban Review Conference, to prepare and carry out, in close cooperation with the Department of Public

Information, a worldwide information campaign with a view to mobilizing support for the objectives of the Durban Review Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors.

### PC.2/10. Documentation for the preparatory process for the Durban Review Conference

At its 13th meeting, on 2 May 2008, the Preparatory Committee decided, without a vote, that all documents submitted as contributions to the preparatory process for the Durban Review Conference, and circulated in English only, should be translated into all official languages of the United Nations and made available in time for the relevant meetings of the intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee. The Preparatory Committee further decides that a dedicated Extranet page should be developed on which all the documents of the conference shall be posted and be easily accessible by all stakeholders.

### PC.2/11. Provisional agenda of the Durban Review Conference

At its 3rd meeting, on 22 April 2008, the Preparatory Committee decided, without a vote, to adopt the provisional agenda of the Durban Review Conference, as follows:

1. Opening of the Conference
2. Election of the President
3. High-level segment
4. Adoption of the rules of procedure
5. Election of other officers of the Conference
6. Credentials of representatives to the Conference
7. Adoption of the agenda
8. Organization of work
9. Issues arising from the objectives of the Conference

    (a) To review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process and identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action;

(b) To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;

(c) To promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination;

(d) To identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.

10. Adoption of the final document and the report of the Durban Review Conference.

**PC.2/12. Participation of observers in the Durban Review Conference**

At its 12th meeting, on 30 April 2008, the Preparatory Committee, recalling its decision PC.1/2 of 27 August 2007 on the participation of, and consultation with, observers at the sessions of the Preparatory Committee, decided, without a vote, that the same criteria, practices and arrangements should also apply to the participation of all observers in the Durban Review Conference.

**PC.2/13. Venue, timing and duration of the Durban Review Conference**

At its 15th meeting, on 26 May 2008, the Preparatory Committee decided, without a vote, that the Durban Review Conference, which will include a high-level segment, shall be convened in Geneva from 20 to 24 April 2009.

**PC.2/14. Slogan of the Durban Review Conference**

At its 15th meeting, on 26 May 2008, the Preparatory Committee decided, without a vote, that the slogan of the Durban Review Conference shall be: "United against Racism: Dignity and Justice for All".

**PC.2/15. Logo for the Durban Review Conference**

At its 15th meeting, on 26 May 2008, the Preparatory Committee decided, without a vote, that the logo for the Durban Review Conference shall be the same as that of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001. The Preparatory Committee also decided that the following additional elements shall be part of the logo: "Durban Review Conference" and "2001-2009", and delegated to the Bureau to agree on the technicalities of the logo in consultation with the Secretariat.

## Annex II

## AGENDA AND PROGRAMME OF WORK

### A. Agenda

1. Opening of the session

2. Adoption of the agenda

3. Organization of work

4. Submission of the provisional agenda of the Durban Review Conference issues

5. Reports of preparatory meetings and activities at the international, regional and national levels

6. Review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference and contributions of human rights bodies and mechanisms

7. Draft outcome document of the Durban Review Conference

8. Organization of the work of the Durban Review Conference and other matters

9. Adoption of the report of the Preparatory Committee

## B. Programme of work

| | Monday<br>21 April 2008 | Tuesday<br>22 April 2008 | Wednesday<br>23 April 2008 | Thursday<br>24 April 2008 | Friday<br>25 April 2008 |
|---|---|---|---|---|---|
| Morning<br><br>10 a.m. to 1 p.m. | Item 1: Opening of the session<br><br>Item 2: Adoption of the agenda<br><br>Item 3: Organization of work<br><br>Action on draft proposals | Item 3: *continued*<br><br>Action on draft proposals<br><br>Item 5: Reports of preparatory meetings and activities at the international, regional and national levels | Item 6: *continued*<br><br>Focus on Objective 1: To review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process and identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action | Item 6: *continued*<br><br>Focus on Objective 2: To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms in order to enhance them | Item 6: *continued*<br><br>Focus on Objective 4: To identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance |
| Afternoon<br><br>3 p.m. to 6 p.m. | Item 4: Submission of the provisional agenda of the Durban Review Conference | Item 6: Review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference and contributions of human rights bodies and mechanisms<br><br>Panel of experts | Item 6: *continued*<br><br>Focus on Objective 1: (*continued*) | Item 6: *continued*<br><br>Focus on Objective 3: To promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the CERD | Item 6: *continued* |

| | Monday<br>28 April 2008 | Tuesday<br>29 April 2008 | Wednesday<br>30 April 2008 | Thursday<br>1 May 2008 | Friday<br>2 May 2008 |
|---|---|---|---|---|---|
| Morning<br><br>10 a.m. to 1 p.m. | Item 7: Draft outcome document of the Durban Review Conference | Item 7: *continued* | Item 8: Organization of the work of the Durban Review Conference and other matters | United Nations official holiday | Finalization of the report by the Secretariat |
| Afternoon<br><br>3 p.m. to 6 p.m. | Item 7: *continued* | Item 7: *continued* | Item 8: *continued*<br><br>Action on draft proposals | United Nations official holiday | Item 9: Adoption of the report of the Preparatory Committee |

## Annex III

## LIST OF ATTENDANCE

**States Members of the United Nations**

Afghanistan, Albania, Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Moldova, Montenegro, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Yemen, Zambia, Zimbabwe.

**Non-Member State represented by observers**

Holy See.

**Other observer**

Palestine.

**United Nations specialized agencies**

United Nations Conference on Trade and Development, United Nations Educational, Scientific and Cultural Organization, United Nations Population Fund, International Labour Office.

**Intergovernmental organizations**

African Union, European Commission, League of Arab States, Organization internationale de la Francophonie, Organization of the Islamic Conference.

**Non-governmental organizations**

*General consultative status*

International Youth and Student Movement for the United Nations.

*Special consultative status*

Action internationale pour la paix et le développement dans la région des Grands Lacs, African Canadian Legal Clinic, African Commission of Health and Human Rights Promoters, Amnesty International, Caritas Internationalis, Culture of Afroindigenous Solidarity, Espace Afrique International, Espacio Afroamericano, European Roma Rights Centre, Human Rights First, Human Rights Watch, Indian Movement Tupaj Amaru, Indigenous Peoples and Nations Coalition, Institute on Human Rights and the Holocaust, Interfaith International, International Association against Torture, International Women Bond (IWB), Mouvement contre le racisme et pour l'amitie entre les peuples (MRAP), Mouvement pour l'abolition de la prostitution et de la pornographie (MAPP), Pax Romana, Stichting National Monument of the Netherlands, Tiye International, Women's International League for Peace and Freedom (WILPF).

*Roster status*

African-American Society for Humanitarian Aid and Development (ASHAD), Association of World Citizens.

## Annex IV

## GENERAL DEBATE[a]

| Agenda item | Meeting number | Speaker |
|---|---|---|
| 1<br>Opening of the session | 1st | States Members: Argentina, Brazil, Burkina Faso, Chile (on behalf of the Group of Latin American and Caribbean States), Egypt (on behalf of the African Group), Iran (Islamic Republic of), Mexico, Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia (on behalf of the European Union), United Kingdom of Great Britain and Northern Ireland. |
| | 3rd | States Members: Algeria, Angola, China, Egypt, Ghana, Indonesia, Libyan Arab Jamahiriya, Morocco, Nigeria, Panama, Switzerland, Syrian Arab Republic, Turkey.<br>Non-governmental organizations: European Network against Racism, Indian Movement Tupaj Amaru, Institute on Human Rights and the Holocaust. |
| 2<br>Adoption of the agenda | | |
| 3<br>Organization of work | 1st | States Members: Belgium, Bhutan, Egypt (on behalf of the African Group), Germany, Iran (Islamic Republic of), Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia (on behalf of the European Union), South Africa, Syrian Arab Republic.<br>Observers: Palestine and Palestine (on behalf of the Arab Group). |
| | 2nd | States Members: Algeria, Argentina (on behalf of Brazil, Chile, Mexico, Uruguay), Belgium, Egypt, India, Iran (Islamic Republic of), Netherlands, Norway (also on behalf of New Zealand), Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia (on behalf of the European Union), South Africa, Switzerland.<br>Observers: Palestine and Palestine (on behalf of the Arab Group). |
| | 3rd | States Members: Algeria, Belgium, Egypt, India, Liechtenstein, Mexico, Nigeria, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia (on behalf of the European Union), South Africa. |

[a] The general debate includes also the special segments. Statements made, if provided in writing, are posted on the Extranet (http://www2.ohchr.org/english/bodies/hrcouncil/form.htm).

| Agenda item | Meeting number | Speaker |
|---|---|---|
| 3<br>Organization of work (*continued*) | 11th | States Members: Argentina (also on behalf of Brazil, Chile, Colombia, Ecuador, Guatemala, El Salvador, Honduras, Mexico, Peru and Uruguay), Egypt (on behalf of the African Group), Iran (Islamic Republic of), Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia (on behalf of the European Union), Switzerland.<br>Observers: Palestine (on behalf of the Arab Group). |
| 4<br>Submission of the provisional agenda of the Durban Review Conference | 3rd | States Members: Egypt (on behalf of the African Group), Norway, Pakistan (on behalf of the Organization of the Islamic Conference), Slovenia (on behalf of the European Union). |
| 5<br>Reports of preparatory meetings and activities at the international, regional and national levels | 3rd | States Members: Algeria, Egypt (on behalf of the African Group), Russian Federation, Slovenia (on behalf of the European Union). |
| | 5th | States Members: Brazil, Egypt (on behalf of the African Group), Mexico.<br>Non-governmental organizations: Stichting National Monument-Netherlands (also on behalf of Tiye International, Stichting Sophiedela, the African Hebrew Development Agency, Panafstrag - Europe/NL, Foundation National Monument Dutch Slavery Past, International Committee for the respect and application of the African Charter on Human Rights (CIRAC), SOS Rassismus, Swiss African Forum), Indian Movement Tupaj Amaru, Institute on Human Rights and the Holocaust. |
| 6<br>Review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference and contributions of human rights bodies and mechanisms | 4th | States Members: Algeria, Argentina, Belgium, Burkina Faso, China, Czech Republic, Egypt (on the behalf of the African Group), Estonia, India, Iran (Islamic Republic of), Mexico, Nepal, Netherlands, Nigeria, Norway, New Zealand (also on behalf of Switzerland), Pakistan, Senegal, Slovenia (on the behalf of the European Union), South Africa, Switzerland.<br>Intergovernmental organizations: Organization of the Islamic Conference.<br>Non-governmental organizations: African Canadian Legal Clinic, Indigenous Peoples and Nations Coalition. |
| | 5th | States Members: Algeria, Argentina, Austria, Egypt (on behalf of the African Group), Mexico, Morocco, Pakistan (on behalf of the Organization of the Islamic Conference), Russian Federation, Slovenia (on behalf of the European Union), South Africa, Sudan, Switzerland, Turkey.<br>Non-governmental organizations: European Network against Racism, Indian Movement Tupaj Amaru, Institute on Human Rights and the Holocaust. |

| Agenda item | Meeting number | Speaker |
|---|---|---|
| 6<br>Review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference and contributions of human rights bodies and mechanisms (*continued*) | 6th | States Members: Argentina, Brazil, Chile (on behalf of the Group of Latin American and Caribbean States), China, Egypt (on behalf of the African Group), Egypt, Mexico, Nigeria, Senegal, Slovenia (on behalf of the European Union), Switzerland.<br>Non-governmental organizations: Mouvement contre le racisme et pour l'amitie entre les peuples, African Canadian Legal Clinic (also on behalf of the Canadian Council for Refugees, the Chinese-Canadian National Council, Metro Toronto Chinese and South-East Asian Legal Clinic, the National Antiracism Council of Canada, the South Asian Legal Clinic and Ontario, Urban Alliance on Race Relations), Association of World Citizens. |
| | 7th | States Members: Algeria, China, Ghana, Syrian Arab Republic, United Republic of Tanzania, Thailand.<br>Non-governmental organizations: Asian Forum for Human Rights and Development (also on behalf of the Lutheran World Federation, the International Movement Against Discrimination and All Forms of Racism, and Pax Romana), Indian Movement Tupaj Amaru, Institute on Human Rights and the Holocaust, Mouvement contre le racisme et pour l'amitie entre les peuples. |
| | 8th | States Members: Algeria, Angola, Brazil, Egypt (on behalf of the African Group), India, Mexico, Morocco, Senegal, Slovenia (on behalf of the European Union), Switzerland, Turkey. |
| | 9th | States Members: Algeria, Argentina, Belgium, Brazil, Czech Republic, Egypt (on behalf of the African Group), France, Germany, Iran (Islamic Republic of), Mexico, Nigeria, Norway, Republic of Korea, Slovenia, Switzerland, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland.<br>Intergovernmental organizations: European Commission.<br>Non-governmental organizations: Association for World Citizens, European Roma Rights Centre, Indian Movement Tupaj Amaru (also on behalf of the World Peace Council), Institute on Human Rights and the Holocaust, Youth against Racism. |
| 7<br>Draft outcome document of the Durban Review Conference | 10th | States Members: Argentina, Egypt (on behalf of the African Group), Mexico, Slovenia (on behalf of the European Union), Turkey.<br>Observer: Palestine (on behalf of the Arab Group).<br>Non-governmental organizations: Human Rights First (also on behalf of the Mouvement pour l'abolition de la prostitution et de la pornographie, Stichting Magenta, the European Union of Jewish Students and the Simon Wiesenthal Center, Human Rights Watch. |
| | 11th | States Members: Brazil. |
| | 12th | States Members: Armenia, Algeria, Slovenia (on behalf of the European Union), Egypt (on behalf of the African Group). |

| Agenda item | Meeting number | Speaker |
|---|---|---|
| 8 Organization of the work of the Durban Review Conference and other matters | 11th | States Members: Egypt (on behalf of the African Group), Slovenia (on behalf of the European Union), Syrian Arab Republic. |
| | 12th | Non-governmental organizations: Association of World Citizens, Institute on Human Rights and the Holocaust, Youth Against Racism, Aldet Centre of Saint Lucia, Simon Wiesenthal Center. |
| | 13th | States Members: Algeria, Egypt. |
| | 15th | States Members: Belgium, Egypt, Greece, Pakistan, South Africa. |
| 9 Adoption of the report of the Preparatory Committee | 14th | States Members: Egypt (on behalf of the African Group), Slovenia (on behalf of the European Union). |
| | 15th | States Members: Armenia, Egypt (on behalf of the African Group), Slovenia (on behalf of the European Union), Switzerland. |

## Annex V

## LIST OF DOCUMENTS ISSUED FOR THE FIRST SUBSTANTIVE SESSION OF THE PREPARATORY COMMITTEE

*Documents issued in the general series*

| *Symbol* | *Agenda item* | |
|---|---|---|
| A/CONF.211/PC.2/1 | 3 | Provisional agenda |
| A/CONF.211/PC.2/1/Add.1 | 3 | Annotations to the provisional agenda |
| A/CONF.211/PC.2/2 | | Questionnaire to Member States prepared by the Office of the United Nations High Commissioner for Human Rights |
| A/CONF.211/PC.2/4 | 3, 4, 6 and 8 | Proposals of the Bureau of the Preparatory Committee and proposals of the Chairperson of the Preparatory Committee for consideration and action by the Preparatory Committee |
| A/CONF.211/PC.2/4/Add.1 | 3 and 8 | Proposals of the Bureau of the Preparatory Committee and proposals of the Chairperson of the Preparatory Committee for consideration and action by the Preparatory Committee |
| A/CONF.211/PC.2/6 | 3 | Note by the Secretariat on the accreditation of non-governmental organizations for the sessions of its Preparatory Committee |

*Documents issued in the limited series*

| | | |
|---|---|---|
| A/CONF.211/PC.2/CRP.2* | 6 | Compilation of contributions submitted to the Preparatory Committee for the Durban Review Conference by specialized agencies of the United Nations system, United Nations bodies, regional and other intergovernmental organizations and non-governmental organizations |

* Due to late submission to the Conference Services Division of the United Nations Office at Geneva, the report, scheduled for circulation at the current session of the Preparatory Committee in all official languages as documents for general distribution, was issued as a conference room paper in English only.

*Documents issued in the limited series (continued)*

| *Symbol* | *Agenda item* | |
|---|---|---|
| A/CONF.211/PC.2/CRP.3* | 6 | Replies to the questionnaire submitted by the Special Rapporteur on the right to education |
| A/CONF.211/PC.2/CRP.4* | 6 | Compilation of conclusions and recommendations adopted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action |
| A/CONF.211/PC.2/CRP.5* | 6 | Replies to the questionnaire submitted by the Committee on the Elimination of Racial Discrimination |
| A/CONF.211/PC.2/CRP.6* | 6 | Replies to the questionnaire by States |
| *Other documents* | | |
| A/HRC/2/3 | 6 | Report of the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance |
| A/HRC/6/5 | 6 | Report of the Special Rapporteur on freedom of religion or belief |
| A/HRC/7/19 | 6 | Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance |
| A/HRC/7/36 | 6 | Report of the Working Group of Experts on People of African Decent on its seventh session |

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Item 74 of the provisional agenda*
**Nationality of natural persons in relation to the succession of States**

# Nationality of natural persons in relation to the succession of States

## Note by the Secretariat

*Summary*

The present note contains the comments of 15 Governments regarding nationality of natural persons in relation to the succession of States, submitted pursuant to General Assembly resolution 59/34.

* A/63/50.

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# I. Introduction

1. At its fifty-first session in 1999, the International Law Commission adopted draft articles on nationality of natural persons in relation to the succession of States, and recommended their adoption by the General Assembly in the form of a declaration.

2. In paragraph 3 of resolution 54/112, the Assembly invited Governments to submit comments and observations on the question of a convention on nationality of natural persons in relation to the succession of States, with a view to the Assembly considering the elaboration of such a convention at a future session. The Assembly reiterated the invitation in resolution 55/153, to which the text of the draft articles was annexed. Comments and observations received from Governments in response to that invitation are contained in documents A/59/180 and Add.1 and 2.

3. In paragraph 3 of resolution 59/34, the Assembly invited Governments to submit comments concerning the advisability of elaborating a legal instrument on the question of nationality of natural persons in relation to the succession of States, including the avoidance of statelessness as a result of a succession of States. In paragraph 4 of the same resolution, the Assembly decided to include in the provisional agenda of its sixty-third session the item entitled "Nationality of natural persons in relation to the succession of States".

4. As of 30 June 2008, replies to the invitation contained in resolution 59/34 had been received from the following States: Algeria (6 February 2008), Austria (7 December 2007), Belarus (3 March 2008), Brazil (20 June 2008), Canada (8 May 2008), Czech Republic (25 February 2008), Ecuador (25 March 2008), Kenya (3 March 2008), Luxembourg (4 October 2007), Mexico (14 March 2008), Philippines (9 January 2008), Portugal (28 February 2008), Republic of Korea (17 January 2008), Slovenia (30 May 2008) and Turkey (25 March 2008). These replies are reproduced in section II below, organized by topic. Any additional replies will be reproduced as addenda to the present note.

# II. Comments received from Governments

## A. General comments

### Brazil

1. The issue of the succession of States usually entails a number of considerations in respect of the individual right to a nationality. When there is a unification of States, the solution tends to be relatively simple, as the successor State normally recognizes the nationality bond with regard to nationals from the predecessor States. The situation becomes more complex when there is the dissolution of a State or the separation of part or parts of its territory.

2. The right to a nationality is one of the fundamental human rights, in accordance with several instruments of international law. As is widely known, article 15 of the Universal Declaration of Human Rights of 10 December 1948 provides that "everyone has the right to a nationality" and "no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality". In conformity with article 24, paragraph 3, of the International Covenant on Civil

and Political Rights of 16 December 1966,[1] "every child has the right to acquire a nationality".

3. In the inter-American region context, for instance, article 20 ("right to nationality") of the American Convention on Human Rights of 22 November 1969[2] states that:

> "1. Every person has the right to a nationality.
>
> "2. Every person has the right to the nationality of the state in whose territory he was born if he does not have the right to any other nationality.
>
> "3. No one shall be arbitrarily deprived of his nationality or of the right to change it."

4. The draft articles elaborated by the International Law Commission duly emphasize (second preambular paragraph) that "nationality is essentially governed by internal law within the limits set by international law". This is in line with the Convention on Certain Questions relating to the Conflict of Nationality Laws of 12 April 1930,[3] as well as international practice and jurisprudence (notably the *Nottebohm* case).[4] Article 1 of the 1930 Convention establishes that:

> "It is for each State to determine under its own law who are its nationals. This law shall be recognized by other States in so far as it is consistent with international conventions, international custom, and the principles of law generally recognized with regard to nationality".

**Mexico**

[Original: Spanish]

1. In accordance with Mexico's statement to the General Assembly in October 2004, safeguarding the nationality of natural persons means that they have the legal status necessary to ensure the full exercise of their rights. For that reason, Mexico is in a position to support the proposed articles.

2. However, Mexico proposes the inclusion of an article or a preambular paragraph stipulating that every effort must be made to ensure and promote respect for basic human rights at all times, regardless of the nationality or the territorial or legal status of the individual.

**Philippines**

1. The Philippines interposes no objection to the provisions of the draft articles on nationality of natural persons in relation to the succession of States.

2. The draft articles do not cover persons who are in the territory of the predecessor or successor State but are stateless at the time of succession. The inclusion of these stateless persons in the purview of the draft articles may reinforce the right of everyone to a nationality as embodied in the Universal Declaration of Human Rights.

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[1] See United Nations, *Treaty Series*, vol. 999.

[2] Ibid., vol. 1144.

[3] See League of Nations, *Treaty Series*, vol. 179.

[4] See *Nottebohm case (Second phase), Judgment of 6 April 1955, I.C.J. Reports 1955.*

**Portugal**

1. Portugal commends the International Law Commission for its work in preparing a set of draft articles regulating such a complex subject matter. The Universal Declaration of Human Rights embodies the fundamental principle that everybody has the right to a nationality. Bearing this in mind, the draft articles pursue the important objective of avoiding statelessness in case of State succession.

2. Nowadays, there is a greater balance between the relevance of the interests of States and those of individuals. Consequently, the practical interests of States regarding the succession process have to be soundly balanced with the rights and expectations of individuals regarding their nationality.

3. It is widely acknowledged that the attribution of nationality belongs to the realm of sovereign prerogatives of States. However, such prerogative must be performed within the limits imposed by international law. Hence, without denying the primary competence of States to attribute nationality, it is important to identify those limits, especially in the complex situation of succession of States. Portugal is of the opinion that the draft articles do so in an adequate manner.

**Republic of Korea**

1. It seems that the draft articles on nationality of natural persons in relation to the succession of States provisionally adopted by the International Law Commission represent a timely contribution to the development of norms in this field of law.

2. We have a few preliminary observations on the draft articles.

3. First, we are pleased to note that some of the provisions in the draft articles draw on and codify existing customary rules, thus reflecting the practice of States and the general interpretation of doctrine and jurisprudence.

4. Second, we appreciate the Commission's efforts to strike a fair balance between the rights and interests of individuals and the sovereign competence of States in determining who their nationals shall be.

5. In principle, we have no particular objection to the way the International Law Commission has organized the draft articles, dividing them into part I, on general principles and norms concerning nationality in relation to the succession of States, and part II, on principles applicable in specific situations. However, it seems more advisable that the States concerned should be allowed to conclude agreements to regulate their particular cases of succession, which may differ from the draft articles, except for a few core principles thereof. It is suggested that the addition of such phrases as "unless otherwise agreed" could be considered.

**Slovenia**

1. In cases of succession, the citizenship of natural persons is an important issue, one which every successor State faces as soon as it declares independence, since it involves practical and legal issues relating to its population, which represents one of the four preconditions for the establishment of a State.

2. For this reason, a successor State cannot postpone resolving the issue of citizenship of natural persons in the case of succession; usually the State, already in the process of acquiring its international legal personality and recognition, lays

down in its national legislation the conditions under which persons with permanent residence in the territory of the State in the period prior to its acquiring international legal personality may obtain citizenship. Such persons must be guaranteed legal protection and should not be subject to expatriation during the period between the beginning of succession and the adoption of the new State's national legislation (e.g., in accordance with the European Convention on Nationality, signed on 6 November 1997[5]). The right to citizenship is one of the fundamental human rights (the first international instrument enshrining this right was the Universal Declaration of Human Rights, specifically article 15 thereof).

3. At the time when many countries, particularly East and Central European ones, were facing this issue, international standards had not yet been defined or put into practice.

4. Slovenia would like to underline that, in the case of the dissolution of the former Socialist Federal Republic of Yugoslavia, the successor States concluded no such treaty governing the issue of citizenship of natural persons. Even considerably later, in 2001, the concluded Agreement on Succession Issues had not settled this issue between the successor States of the former Socialist Federal Republic of Yugoslavia.

## B. Comments on the preamble and on specific articles

### 1. Preamble

**Brazil**

The preambular paragraphs refer to some international treaties concerning nationality and State succession. As already suggested by other Member States, the draft articles should include a reference to other relevant instruments, such as the Declaration of the Rights of the Child, of 1959[6] (Principle 3: "The child shall be entitled from his birth to a name and a nationality"), the International Convention on the Elimination of All Forms of Racial Discrimination, of 7 March 1966[7] (article 5: "In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ... (d) Other civil rights, in particular: ... (iii) The right to nationality"), the Convention on the Elimination of Discrimination against Women, of 18 December 1979[8] (article 9: "1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. 2. States Parties shall grant women equal rights with men with respect to the nationality of their children."), and the Convention on the Nationality of Married

[5] Council of Europe Treaty Series No. 166.
[6] General Assembly resolution 1386 (XIV).
[7] See United Nations, *Treaty Series*, vol. 660.
[8] Ibid., vol. 1249.

Women, of 20 February 1957.[9] The International Covenant on Economic, Social, and Cultural Rights, of 16 December 1966[10] could also be mentioned, as it protects the rights of every person, regardless of nationality.

### 2. Article 2. Use of terms

**Brazil**

The draft articles should contain a clear definition of a number of expressions with legal implications referred to in the text, including "habitual residence", "appropriate legal connection", "appropriate connection" and "effective link". The term "family" could also be more clearly defined. Setting a precise delimitation of these expressions would avoid occasional divergent interpretations on the part of Member States and international courts.

**Kenya**

There is a need to define the term "statelessness" and we propose the said definition be "situation where a person is not considered as a national by any State under the operation of its internal/municipal law". There is also a need to define the term "habitual residence" and we propose factual residence for a period of not less than seven years, for example.

**Philippines**

Clarification of the term "habitual residence", which is repeatedly used in the draft articles, may be useful since there is no definition of this term, or any standard of reference that could be used to avoid ambiguity or misinterpretation.

### 3. Article 3. Cases of succession of States covered by the present articles

**Turkey**

Notwithstanding article 3, which stipulates that the articles on nationality of natural persons in relation to the succession of States apply only to the effects of a succession of States occurring in conformity with international law, the criteria to be used for the determination of conformity with international law of cases of separation of part or parts of the territory of a State are uncertain. The commentary on section 4, while referring to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations, annexed to General Assembly resolution 2625 (XXV), provides that the case of separation of part or parts of the territory of a State is different from the case of non-self-governing territories. This issue is related to the concept of self-determination, the content of which is evolving. Indeed, it seems difficult to reach a consensus concerning the content of this concept or who could exercise self-determination in conformity with international law.

[9] Ibid., vol. 309.
[10] Ibid., vol. 993.

4. **Article 6. Legislation on nationality and other connected issues**

**Kenya**

This article should have a proviso that its provisions should have no prejudice to those of internal/national laws which are already in force or may come into force, under which more favourable rights are or would be accorded to persons concerned on the avoidance of statelessness.

5. **Article 9. Renunciation of the nationality of another State as a condition for attribution of nationality**

**Kenya**

This article could render it impossible for natural persons to acquire dual nationality and can thus not derive the benefits of dual nationality.

6. **Article 11. Respect for the will of persons concerned**

**Republic of Korea**

... the meaning and scope of the phrases "appropriate legal connection" (articles 22, 24 and 25), "appropriate connection" (articles 11, 22, 24 and 25) and "effective link" (article 19) is not really clear. It would be advisable to harmonize them, if they are intended to have the same meaning.

7. **Article 13. Child born after the succession of States**

**Brazil**

If it is to guarantee that a child born after the succession of States does not run the risk of becoming stateless, this provision could be adapted in order to allow for the attribution of nationality from his or her parents (*jus sanguinis*), as an alternative to the nationality of the State where the child was born (*jus soli*).

8. **Article 15. Non-discrimination**

**Kenya**

This article should elaborate the grounds of discrimination like sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

9. **Article 17. Procedures relating to nationality issues**

**Kenya**

This article should provide that fees charged for applications should not present an obstacle to the applicant for reasons of being unreasonable. Further, the article should state within which jurisdiction the said administrative or judicial review would be carried out.

**10. Article 18. Exchange of information, consultation and negotiation**

**Kenya**

This article should provide for cooperation not only with the concerned States but also with other States and international organizations.

**11. Article 19. Other States**

**Republic of Korea**

See above, section B.6.

**12. Article 20. Attribution of the nationality of the successor State and withdrawal of the nationality of the predecessor State**

**Brazil**

[...] it is worth noting the provision contained in article 10, paragraphs (1) and (2), of the Convention on the Reduction of Statelessness, of 30 August 1961,[11] which determines that:

> 1. Every treaty between Contracting States providing for the transfer of territory shall include provisions designed to secure that no person shall become stateless as a result of the transfer. A Contracting State shall use its best endeavours to secure that any such treaty made by it with a State which is not a Party to this Convention includes such provisions.
>
> 2. In the absence of such provisions a Contracting State to which territory is transferred or which otherwise acquires territory shall confer its nationality on such persons as would otherwise become stateless as a result of the transfer or acquisition.

This provision should be taken into consideration during the discussions regarding draft article 20.

**13. Article 22. Attribution of the nationality of the successor States**

**Republic of Korea**

See above, section B.6.

**14. Article 24. Attribution of the nationality of the successor State**

**Republic of Korea**

See above, section B.6.

**15. Article 25. Withdrawal of the nationality of the predecessor State**

**Kenya**

1. Article 25 contradicts article 11 on the will of persons qualified to acquire the nationality of two or more States concerned.

[11] Ibid., vol. 989.

2. Article 25 could render it impossible for natural persons to acquire dual nationality and thus could not derive the benefits of dual nationality.

**Republic of Korea**

See above, section B.6.

## C. Advisability of elaborating a legal instrument on the question of nationality of natural persons in relation to the succession of States, and the possible form of an instrument

**Algeria**

[Original: French]

1. Algeria is in favour of the adoption of the draft articles on nationality of natural persons in relation to the succession of States in the form of a declaration by the General Assembly, as recommended by the International Law Commission.

2. The choice of a declaration — which is a non-binding text — not only contributes to the progressive codification of relevant international law but also allows the State concerned to continue to exercise its sovereign right to determine the conditions for attributing its nationality, subject, evidently, to its international obligations, notably in the area of human rights.

3. The aforementioned draft articles would therefore provide States with a "useful guide for practice in dealing with this issue".[12]

4. The attribution of nationality, which represents the ultimate bond of allegiance with the State and confers a sense of belonging to and connection with the latter, is a profoundly political act which cannot easily be regulated by binding international norms, particularly in situations involving the succession of States, in which political concerns predominate. It is therefore important to retain, as far as possible, the discretion of the State concerned to attribute its nationality in the light of its own policies and priorities.

**Austria**

While Austria had previously expressed a tendency towards the adoption of the draft articles as a convention, it currently would — like in the case of all other codification projects of the International Law Commission — prefer to wait for a few more years and continue to monitor the developments of State practice before making a decision on the elaboration of a convention.

**Belarus**

1. Belarus strongly supports the idea of elaborating a legal instrument on the issue of nationality of natural persons in relation to the succession of States, including the avoidance of statelessness as a result of succession of States.

2. Such an international agreement will strengthen existing mechanisms for the protection of the right of every person to citizenship proclaimed in the Universal

[12] General Assembly resolution 55/153, fourth preambular paragraph.

Declaration of Human Rights. Taking into account the seriousness of the problem of statelessness, it would be advisable to choose the form of an international agreement as the legal form for such an instrument.

**Brazil**

1. The adoption of an international instrument that deals with the matter of nationality in case of State succession would constitute an outstanding development in international law, as it would contribute to the reduction in the number of cases of stateless persons. Brazil attaches great importance to the efforts towards the reduction of statelessness and, as a consequence, has ratified the two main treaties in that field which are in force: the Convention Relating to the Status of Stateless Persons, of 28 September 1954[13] and the Convention on the Reduction of Statelessness, of 30 August 1961.[14]

[...]

2. With regard to the final format of the instrument, in the light of the importance of the subject, Brazil is of the opinion that the draft articles should be the basis for the negotiation of an international convention.

**Canada**

Canada appreciates the efforts undertaken by the International Law Commission in its study of the question of nationality of natural persons in relation to the succession of States and the formulation of draft articles. As a State party to the Convention on the Reduction of Statelessness, of 30 August 1961,[14] Canada recognizes the importance of taking measures to avoid statelessness and acts accordingly through its national law. However, it is Canada's view that the negotiation of a new legal instrument on the question of nationality of natural persons in relation to the succession of States will not serve the needs of the international community at this time. In their current format, the draft articles provide useful guidance in the form of basic principles for the consideration of States. We are also aware of the efforts of the Council of Europe to develop a regional Convention on the Avoidance of Statelessness in relation to State Succession[15] and note that the convention has not yet attracted the required number of ratifications to bring it into force. It therefore appears premature to consider the elaboration of a new legal instrument on this question until such time as we can benefit from the knowledge gained from the Council of Europe's experience. We remain, however, appreciative of the helpful guidance that has been provided to States by the work of the International Law Commission.

**Czech Republic**

1. The Czech Republic has already stated its opinion on the form in which the articles on nationality of natural persons in relation to the succession of States should be adopted during the consideration of the draft articles by the Commission and during the subsequent consideration of this item by the Sixth Committee of the General Assembly. In the statement it made in 1998 (see A/CN.4/493 and Corr.1),

[13] Ibid., vol. 360.

[14] Ibid., vol. 989.

[15] Council of Europe Treaty Series, No. 200.

which preceded the final adoption of the draft articles by the Commission, the Czech Republic expressed its conviction that the purpose of the draft articles was to provide the States concerned with a set of legal principles in this field, as well as with some recommendations to be followed by States when drafting their domestic laws on nationality. The Czech Republic expressed the view that for this purpose, the appropriate form of the draft articles would be a declaration adopted by the General Assembly, i.e., the form originally proposed by the Commission's Special Rapporteur on this topic and subsequently recommended by the Commission upon the adoption of the final text of the draft articles in 1999. The Czech Republic stated that the form of a declaration might not only be sufficient to achieve this purpose, but may even have certain advantages compared with the rather rigid form of an international convention. According to the Czech Republic's statement, such a declaration would allow a broader spectrum of problems to be addressed than a convention containing only international obligations; a declaration would also make irrelevant the discussion about whether its provisions may or may not be invoked vis-à-vis a new State that did not participate in its adoption. The Czech Republic also expressed the view that such a declaration might even enjoy a higher authority and have a greater impact on the practice of States than an international convention ratified by only a small number of States.

2. After the General Assembly in its resolution 55/153 took note of the articles on nationality of natural persons in relation to the succession of States, annexed to the resolution, the Czech Republic, during the consideration of this item by the Sixth Committee, expressed the opinion (see A/C.6/59/SR.15) that in the case of the articles in question, the form of a legally binding instrument (international treaty) would not be appropriate or practical. The Czech Republic felt that the main purpose of the articles, which was to provide States with a set of legal principles and recommendations to be followed when drafting their domestic legislation in this field, had already been achieved by adopting resolution 55/153.

3. In response to the Secretary-General's current request for comments on the advisability of elaborating a legal instrument on the question of nationality of natural persons in relation to the succession of States, the Czech Republic refers to its above-mentioned previous statements on this issue and the supporting arguments. The Czech Republic is thus of the opinion that a non-binding form of the articles on nationality of natural persons in relation to the succession of States is appropriate and sufficient.

**Ecuador**

[Original: Spanish]

1. Bearing in mind that the question of nationality of natural persons in relation to the succession of States is consistent with the general legal guidelines for the defence and protection of human rights, Ecuador considers it advisable to proceed with the drafting of a convention on the basis of the draft articles adopted by the International Law Commission.

2. Furthermore, Ecuador believes that the drafting of such an instrument considerably contributes to legislative development and to the advancement of international law.

**Luxembourg**

[Original: French]

Luxembourg is not, in principle, opposed to the drafting by United Nations entities of a legal instrument on the question of the nationality of natural persons in relation to the succession of States, in particular on the prevention of statelessness following the succession of States.

**Mexico**

[Original: Spanish]

The draft under discussion is acceptable, provided that, while ensuring respect for the right of persons to a nationality, effective protection is provided for those individuals whose cases may create legal uncertainty because they do not belong to any particular State. Accordingly, Mexico has no difficulty supporting the planned development of a legal instrument on this issue.

**Portugal**

1. The question of ensuring compliance with those limits [limits imposed by international law with respect to the attribution of nationality] also relates to the final form and the legal strength to be assumed by the draft articles. There appear to be three options: to leave the draft articles as an annex to General Assembly resolution 55/153; to adopt the draft articles as a declaration of the General Assembly, as recommended by the International Law Commission; and to draft an international convention on the basis of the draft articles.

2. Portugal believes that, for the moment, the adoption of the draft articles as a declaration would be the most reasonable option, allowing the immediate and authoritative stabilization of a diffuse set of norms and practices, combining codification with progressive development of international law. However, the adoption of the draft articles as a declaration should occur only when broad support by States can be expected.

**Republic of Korea**

While we have no particular objection to the General Assembly embarking in the foreseeable future on the drafting of a convention on the nationality of natural persons in relation to the succession of States, it is suggested that the draft articles should take the form of a declaration rather than of a convention on this matter.

**Slovenia**

1. Neither the Vienna Convention on Succession of States in respect of Treaties, of 23 August 1978,[16] nor the Vienna Convention on Succession of States in respect of State Property, Archives and Debts, of 8 April 1983, regulate the issue of citizenship of natural persons. In this respect, it is worth noting that it took 16 years for the 1978 Convention to enter into force, and that the other Convention has as yet not entered into force. If a legally binding international instrument existed, it would apply only to cases of successor States established after it had entered into force;

[16] See United Nations, *Treaty Series*, vol. 1946.

there is, furthermore, the question of the binding nature of such a convention on a new State under international law, which would, most probably, not succeed to it and/or sign and ratify it immediately.

2. Rules on citizenship, in the form of a non-binding document, should reflect the modern practice of States in this area, which requires further detailed examination and analysis, as well as guidelines in accordance with international standards in this field. Considering that the issue of regulating the citizenship of natural persons in the case of succession presents one of the most difficult succession issues, Slovenia advocates a progressive approach towards settling this issue that might also result in a legally binding document. It furthermore believes that it is important, at present, to formulate a soft law document, containing clear and authoritative guidelines as a useful guide for dealing with this issue in practice.

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**General and complete disarmament**

# Verification in all its aspects, including the role of the United Nations in the field of verification

## Report of the Secretary-General

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# I. Introduction

1. On 5 December 2007, the General Assembly adopted resolution 62/21, entitled "Verification in all its aspects, including the role of the United Nations in the field of verification". In paragraphs 3 and 4 of the resolution, the General Assembly encouraged Member States to consider the report of the Panel of Government Experts on verification in all its aspects, including the role of the United Nations in the field of verification (A/61/1028) and invited them to offer additional views to the Secretary-General on the report. The Secretary-General was requested to submit to the Assembly at its sixty-third session a compilation of views received from Member States, relevant United Nations organs and international treaty organizations with respect to the report.

2. Pursuant to that request, a note verbale was sent to Member States on 25 February 2008 inviting them to provide information on the subject. A letter from the High Representative for Disarmament Affairs seeking relevant information was also addressed to the Director General of the International Atomic Energy Agency (IAEA), the Executive Secretary of the Preparatory Commission of the Comprehensive Nuclear-Test-Ban Treaty Organization and the Director-General of the Organization for the Prohibition of Chemical Weapons.

3. Replies received from Member States are contained in section II below. Any additional replies received will be issued as addenda to the present report.

# II. Replies received from Governments

## Canada

[Original: English]
[10 June 2008]

Canada, which championed General Assembly resolution 62/21 on verification in all its aspects, fully endorses the report of the Panel of Government Experts and welcomes the views of Member States. During informal discussions leading to the resolution, several States requested more time to review the report before submitting formal views. We therefore look forward to hearing these views and in seeing how Member States can further develop the 21 recommendations made by the Panel.

## Cuba

[Original: Spanish]
[19 June 2008]

Cuba considers that verification measures are an important component in the drafting of international disarmament and arms control conventions. The report submitted by the Secretary-General of 15 August 2007 (A/61/1028) is one more contribution to the debate and to the decisions that the States have taken over the past few years within the framework of the United Nations and other multilateral systems. As paragraph 8 of this report states, it is selective, not exhaustive, in its treatment of verification, so that its contents cannot be considered a definitive approach.

Nevertheless, States should take into consideration the ideas that it contains in their sovereign exercise of designing verification measures as part of disarmament and arms control agreements, in keeping with the respective characteristics and provisions of those agreements.

Some basic principles or premises continue to be valid, irrespective of the time that has elapsed, particularly those enshrined in the Charter of the United Nations, which express the international community's decision to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. Other principles have been established on the basis of the consensual decisions of Member States in organs of the United Nations, such as the General Assembly and the United Nations Disarmament Commission (UNDC).

The Final Document of the Tenth Special Session of the General Assembly devoted to disarmament, whose agreements are still in force, refers to the issue of verification:

> "Paragraph 31: Disarmament and arms limitation agreements should provide for adequate measures of verification satisfactory to all parties concerned in order to create the necessary confidence and ensure that they are being observed by all parties. The form and modalities of the verification to be provided for in any specific agreement depend upon and should be determined by the purposes, scope and nature of the agreement. Agreements should provide for the participation of parties directly or through the United Nations system in the verification process. Where appropriate, a combination of several methods of verification as well as other compliance procedures should be employed.
>
> Paragraph 91: In order to facilitate the conclusion and effective implementation of disarmament agreements and to create confidence, States should accept appropriate provisions for verification in such agreements.
>
> Paragraph 92: In the context of international disarmament negotiations, the problem of verification should be further examined and adequate methods and procedures in this field be considered. Every effort should be made to develop appropriate methods and procedures which are non-discriminatory and which do not unduly interfere with the internal affairs of other States or jeopardize their economic and social development."

The States Members of the United Nations, within the framework of the United Nations Disarmament Commission (UNDC), have also agreed on general principles that elaborate upon or add to those stated in the Final Document of the Tenth Special Session of the General Assembly devoted to disarmament, and are fundamental elements in this regard:

"(1) Adequate and effective verification is an essential element of all arms limitation and disarmament agreements.

(2) Verification is not an aim in itself, but an essential element in the process of achieving arms limitation and disarmament agreements.

(3) Verification should promote the implementation of arms limitation and disarmament measures, build confidence among States and ensure that agreements are being observed by all parties.

(4) Adequate and effective verification requires employment of different techniques, such as national technical means, international technical means and international procedures, including on-site inspections.

(5) Verification in the arms limitation and disarmament process will benefit from greater openness.

(6) Arms limitation and disarmament agreements should include explicit provisions whereby each party undertakes not to interfere with the agreed methods, procedures and techniques of verification, when these are operating in a manner consistent with the provisions of the agreement and generally recognized principles of international law.

(7) Arms limitation and disarmament agreements should include explicit provisions whereby each party undertakes not to use deliberate concealment measures which impede verification of compliance with the agreement.

(8) To assess the continuing adequacy and effectiveness of the verification system, an arms limitation and disarmament agreement should provide for procedures and mechanisms for review and evaluation. Where possible, time frames for such reviews should be agreed in order to facilitate this assessment.

(9) Verification arrangements should be addressed at the outset and at every stage of negotiations on specific arms limitation and disarmament agreements.

(10) All States have equal rights to participate in the process of international verification of agreements to which they are parties.

(11) Adequate and effective verification arrangements must be capable of providing, in a timely fashion, clear and convincing evidence of compliance or non-compliance. Continued confirmation of compliance is an essential ingredient to building and maintaining confidence among the parties.

(12) Determinations about the adequacy, effectiveness and acceptability of specific methods and arrangements intended to verify compliance with the provisions of an arms limitation and disarmament agreement can only be made within the context of that agreement.

(13) Verification of compliance with the obligations imposed by an arms limitation and disarmament agreement is an activity conducted by the parties to an arms limitation and disarmament agreement or by an organization at the

request and with the explicit consent of the parties, and is an expression of the sovereign right of States to enter into such arrangements.

(14) Requests for inspections or information in accordance with the provisions of an arms limitation and disarmament agreement should be considered as a normal component of the verification process. Such requests should be used only for the purposes of the determination of compliance, care being taken to avoid abuses.

(15) Verification arrangements should be implemented without discrimination, and, in accomplishing their purpose, avoid unduly interfering with the internal affairs of State parties or other States, or jeopardizing their economic, technological and social development.

(16) To be adequate and effective, a verification regime for an agreement must cover all relevant weapons, facilities, locations, installations and activities."

Cuba agrees with the Secretary-General that the technological advances that have occurred in recent years create new characteristics and conditions for verification of arms control and disarmament agreements, as well as for an educated public's access to information. However, the digital gap which was identified and discussed extensively during the World Summit on the Information Society (2003 and 2005), also has an impact on the issue before us.

Not all the States parties to a disarmament agreement have reached the same technological level or are equally able to undertake effectively complex and technical negotiations on verification with experts who are well prepared and conversant with the latest technological advances. This confirms that the need for the most advanced countries to provide international cooperation and assistance to the least advanced should form an integral part of the obligations that should be assumed by the parties to any arms control and disarmament agreement.

Moreover, the international situation with regard to arms control and disarmament that prevailed in the final years of the previous century and which persists today does not help to create the conditions of trust and security essential for making progress on verification.

The United States of America is the country that is most responsible for the appearance and development of this negative situation: it refuses to undertake immediate negotiations to eliminate all nuclear weapons gradually and under strict international control; it prevented the conclusion of negotiations on the protocol to strengthen the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction; its military doctrine provides for the use of nuclear arms against countries that do not possess them, even as a preventive measure; it refuses to ratify the Comprehensive Nuclear-Test-Ban Treaty, preventing its entry into force; it attacked Iraq, without the authorization of the United Nations, and this has aggravated security problems in the world and led to the appearance or worsening of other negative factors that affect humanity, among other negative attitudes and actions.

The manipulation, for political purposes, of the necessary verification measures diminishes the scale and potential of their effectiveness, as does operating on the basis of double standards and selectivity, when countries which do not choose to comply with the opinions and agenda of the most powerful States are unfairly criticized and coerced. Paradoxically, those same countries exhibit, at best, a

complicit silence in the face of Israel's refusal to become a party to the Treaty on the Non-Proliferation of Nuclear Weapons and place its nuclear facilities under the safeguards of the International Atomic Energy Agency (IAEA) or with regard to its Prime Minister's statement concerning the possession of nuclear arms.

The General Assembly has stated that multilateral disarmament agreements provide the mechanisms for States parties to consult one another and to cooperate in solving any problems which may arise in relation to the objective of, or in the application of, the provisions of the agreements and that such consultations and cooperation may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with the Charter.

The General Assembly has also reaffirmed the absolute validity of multilateral diplomacy in the field of disarmament and non-proliferation, and its determination to promote multilateralism as an essential way to develop arms regulation and disarmament negotiations.

However, in recent years, there has been a negative tendency to overwhelm the States with the submission of reports, most of which duplicate actions that they have to carry out under multilateral disarmament and arms control regimes.

The Security Council, exceeding the mandate entrusted to it by the Charter of the United Nations, is principally responsible for this situation. The Council should not take over the functions of other main bodies of the United Nations, or the mechanisms created by multilateral treaties such as the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the Chemical Weapons Convention) or the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the Biological Weapons Convention). This modus operandi affects the credibility of these multilateral regimes, because, among other factors, it could cast doubts on their usefulness or lead to the duplication of unnecessary expenses in processing and managing the information.

Cuba plays an active role in developing verification measures by means of its commitment and adherence to the principal multilateral disarmament and arms control conventions. It is thus a State party to the Treaty on the Non-Proliferation of Nuclear Weapons; the Chemical Weapons Convention; the Biological Weapons Convention, where we are advocating the conclusion of a protocol to strengthen it; and to the Treaty of Tlatelolco, establishing a nuclear-weapon-free zone in Latin America and the Caribbean. Consequently, Cuba is a member of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), the Organization for the Prohibition of Chemical Weapons (OPCW), and the International Atomic Energy Agency (IAEA), and we have ratified and carry out fully the IAEA Safeguards Agreement and Additional Protocol. We are also in full compliance with the resolutions of the Security Council that entail obligations based on specific sanctions for Member States, including the submission of reports on their corresponding actions.

In addition, from September 2006 until 2009, Cuba has the honour to chair the Non-Aligned Movement and, during the Fourteenth Ministerial Conference held in Havana, its 118 members confirmed their commitment to promote and defend specific measures for disarmament and arms control, in particular nuclear disarmament, that include verification measures.

## Spain

[Original: Spanish]
[16 June 2008]

In general, Spain considers that the report of the Panel of Government Experts (A/61/1028) examining verification, its evolution and future trends based on new technologies and verification mechanisms is very insightful.

The Spanish Government also endorses the report's conclusions, emphasizing the importance of verification as an integral part of disarmament, non-proliferation and arms control agreements and confidence- and security-building measures.

The principle "trust and verify" continues to be as important today as it was during the cold war because, as the report says, verification continues to be a tool to strengthen international security.

The Spanish Government shares the opinion that disarmament, non-proliferation and arms control agreements, and confidence- and security-building measures should be endowed with the necessary mechanisms to ensure verification of compliance with the obligations assumed. To ensure maximum transparency, these mechanisms should be intrusive, and their only limitation should be the balance that must be maintained between the need for verification, on the one hand, and the legitimate need to protect commercial property and national security, on the other.

Within these limits, verification mechanisms should be as intrusive as possible, with the ultimate goal of detecting possible non-compliance and determining clearly the level of collaboration by the corresponding authorities. Consequently, Spain is in favour of introducing the possibility of conducting challenge inspections generally in verification systems, perhaps with some restrictions as to the maximum number within a specific period of time.

Furthermore, even though compliance with the obligations voluntarily assumed is the responsibility of States, the Security Council should be able to act in serious cases of non-compliance or failure to collaborate. In this regard, and within the framework of the effective multilateralism advocated by the European Union, the verification mechanisms available to the United Nations should be strengthened, especially those designed to monitor compliance with the obligations assumed with regard to weapons of mass destruction (nuclear, radiological, chemical and biological), as well as their vector systems and related material.

In particular, the Secretariat also needs to be reinforced, providing it with a broad range of international experts who are available to conduct technical inspections at short notice.

Lastly, Spain supports the recommendations contained in the report, especially those relating to strengthening the mechanisms of the United Nations.

## United States of America

[Original: English]
[20 June 2008]

The United States believes that the report of the Panel of Government Experts, which a group of experts representing the membership of the United Nations adopted by consensus, makes a significant contribution to the common understanding of the purposes, relevance and techniques available for verification and compliance of arms control, non-proliferation and disarmament agreements and arrangements in the twenty-first century. The report also provides useful recommendations for action.

The United States especially commends the Panel for its recognition of the core principles and concepts underpinning verification in all its aspects, including most importantly that:

- Verification is a tool through which international peace and security may be strengthened;
- Verification seeks to provide confidence that States are complying with their obligations, deter States from non-compliance, induce non-compliant States back into compliance, and preclude violations from undercutting the security of other parties;
- Verification approaches should be designed to enable the parties to an agreement to monitor compliance and detect and collect evidence of possible non-compliance before that non-compliance threatens the core security objectives of the agreement;
- There is no single means of verification applicable to all agreements;
- Advances in science, the nature of the agreement under consideration, and national implementation capacities affect in fundamental ways whether effective verification can be achieved and, if so, the means by which it can be achieved;
- In some instances, there are no practical means by which an agreement can be made effectively verifiable;
- States parties to agreements bear the ultimate responsibility for making compliance assessments and for ensuring and enforcing compliance; and
- For agreements and their verification mechanisms to achieve their aims and strengthen peace and security, there need to be clear and assured consequences for non-compliant behaviour, consistent with the nature of the violation, its potential impact, if not countered, and the provisions of relevant international law and national legislation.

The United States endorses the recommendations made by the Panel in its report and commends them for the consideration of all Member States. In this regard, we find especially noteworthy those recommendations related to: increasing the capacity of States to implement their obligations, including for verification; identifying means to deal with withdrawal from treaties by States parties which have violated the provisions of those treaties, or otherwise have redirected transfers made for peaceful purposes to the pursuit of prohibited, weapons-related activities; and exploring synergies and more cost-effective arrangements.